

Clerk of School Dis. No 3 Sandown, N.H.

A

**D I G E S T**

OF THE

**L A W S O F N E W - H A M P S H I R E**

PERTAINING TO

**C O M M O N S C H O O L S,**

WITH

**L E G A L D E C I S I O N S , F O R M S , & C .**

PREPARED AT THE REQUEST OF THE SECRETARY OF STATE,  
AGREEABLY TO A RESOLUTION OF THE LEGISLATURE,  
PASSED JUNE SESSION, 1853.

BY SAMUEL N. BELL,  
COUNSELLOR AT LAW.

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CONCORD:

PUBLISHED BY G. PARKER LYON: STICKNEY'S BUILDING.

.....  
1853.

# BOOKS

PUBLISHED AND FOR SALE BY

G. PARKER LYON,  
CONCORD, N. H.

Stickney's Block, (up stairs,) entrance directly opposite the North East Gate to the State Capitol, and between Johnson's, Cilley & Co.'s Stores.

**A Guide to Officers of Towns**, third edition, by S. D. BELL Associate Justice of the Superior Court. To be ready Dec. 1853.  
**Justice and Sheriff** third edition, enlarged ; with *a copious and convenient Index*. By S. D. BELL, Associate Justice in the Superior Court.

**New Hampshire Probate Directory**, By HORACE CHASE, Judge of Probate for the County of Merrimack, SEC. ed. in Press.  
**Sanborn's Analytical Grammar** of the English Language, 16th edition.

**Sanborn's Normal School Grammar**. 8th edition.

These Grammars were recommended by the Board of Education, at their meeting held in August 1851, to the general introduction and use in the Public Schools of New-Hampshire.

**THE NEW-HAMPSHIRE HIGHWAY SURVEYOR'S ACCOUNT BOOK**, containing the Law relating to their official duties, with blank pages for the names of those taxed, and the Surveyor's accounts with the same. This little manual has now been in use by ~~Highway Surveyors~~ some five years, and is found convenient and well adapted for the use it was intended. It is sold for the low price of \$1 per dozen ; liberal discount when several dozens are taken.

**New-Hampshire Annual Register**, a valuable and convenient little manual for every business man to have ; aside from the names of civil officers of the State for the current year, there is much valuable and statistical matter for reference ; taking the Registers for 1849, 1850 and 1851, may be found as follows :—

- 1st—Incidents, historical and statistical ; names of rulers ; time in office ; time of decease and age from the first discovery and settlement of New-Hampshire in 1614, to the Revolution ; with a sketch of the doings of the Congresses, and the formation of the temporary Constitution.
- 2d—The Councillors chosen for each year, 12 in number, during the temporary Constitution ; the number of sessions held each year, and the time of death and age of each Councillor.
- 3d—The names of the Council and Senate for each year during the new Constitution ; time of decease, &c., from 1784 to 1793.
- 4th—The same series of statistics continued from 1793 to 1848, with names of the Clerks of the House and Senate ; and a list of the Chief Magistrates of New-Hampshire, continued from 1775 to 1852.
- 5th—The Register for 1852, besides the usual matter, contains full lists of the Delegates chosen to attend the several Conventions held in New-Hampshire for forming and revising the different Constitutions, with some statistics of their proceedings and sessions in the years 1776, 1778, 1781, 1791, and 1850.

(See third page of cover.)

A

# D I G E S T

OF THE

## LAW S OF NEW-HAMPSHIRE

PERTAINING TO

### COMMON SCHOOLS,

WITH

LEGAL DECISIONS, FORMS, &c.

PREPARED AT THE REQUEST OF THE SECRETARY OF STATE,  
AGREEABLY TO A RESOLUTION OF THE LEGISLATURE,  
PASSED JUNE SESSION, 1853.

BY SAMUEL N. BELL,

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CONCORD:

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.....  
1853.

*Resolved*, By the Senate and House of Representatives in General Court convened, That the Secretary of State be authorized to procure a revised edition of the Digest of the Laws of New-Hampshire pertaining to Common Schools, with legal decisions, forms, &c., and cause the same to be printed in such form as he may deem advisable ; and that copies be furnished for each public school in the State ; and the Secretary of State shall furnish to the several Town-Clerks in the State a sufficient number of copies for each school district in said town : *Provided*, the whole expense of a sufficient number of copies for said purpose shall not exceed the sum of three hundred dollars.

J. EVERETT SARGENT,

*Speaker of the House of Representatives.*

JAMES M. RIX, *President of the Senate.*

Approved, June 29, 1853.

NOAH MARTIN, *Governor.*

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C O P Y R I G H T   S E C U R E D .

## INTRODUCTORY.

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PURSUANT to the foregoing Resolution of the Legislature, passed June Session, 1853, the following "Revised edition of the Digest of the Laws of New-Hampshire pertaining to Common Schools," has been prepared, containing the provisions of the Revised Statutes, and all the acts passed since which are now in force, with references to the decisions of the Superior Court of this State, and also to such of the decisions of some of the other New-England States as are applicable to the Laws of this State; to which has been added a number of practical Forms, to illustrate the manner of proceeding, together with such explanations and suggestions relative thereto, as seemed necessary to render the Work such as was contemplated by the Legislature, and well calculated to afford aid to school district officers in the performance of their official duties.

It will be seen that the arrangement of the Work is different from that of the last edition of the Digest, in this, that the references to decisions, forms, &c. are contained in the chapter to the subject whereof they refer, or are more immediately connected; and it is confidently believed that under this mode of arrangement the Digest will be found to be in accordance with the resolution of the Legislature and beneficial to all interested in the prosperity of our Common Schools.

Manchester, November, 1853.

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- CHAPTER 6. Of high schools.
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- CHAPTER 9. Of the commissioner of common schools and teachers' institutes.

# DIGEST OF SCHOOL LAWS.

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## CHAPTER 1.

### OF THE CREATION, DIVISION AND POWERS OF SCHOOL DISTRICTS.

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1. Every town shall be divided by metes and bounds into so many districts as the public good requires, which shall be distinguished by suitable boundaries, and include all the territory of the town. *R. S. ch. 69, sec. 1; C. S. ch. 73, sec. 1.*

It is the duty of the selectmen to see that this is done forthwith, if it has not been done already, and to insert an article in the warrant for a town meeting for that purpose. The limits of the district must not be described by the names of the inhabitants of the district, but should be bounded by lines and monuments, as in a deed of land.

2. A division of a town into school districts must be a territorial division, and not one merely by designation of inhabitants or householders. *13 N. H. R.* 139.

3. At any legal meeting for that purpose, such division may be made by vote of the town, and the limits of such districts defined, and from time to time altered as convenience may require, a record of which shall be made. *R. S. ch. 69,* sec. 2; *C. S. ch. 73, sec. 2.*

4. If any town shall neglect so to divide itself into school districts, the selectmen, on application in writing by ten legal voters, shall forthwith divide the town into districts, define their boundaries, and cause a record thereof to be made by the town-clerk within thirty days after such application. The town of Newington is exempted from this section. *Ibid., sec. 3.*

5. Every school district shall be a body politic and corporate, and may sue and be sued, take, hold, manage, and convey real and personal property for the use of the district, and make and enforce all necessary contracts in relation thereto. *R. S. ch. 70, sec. 1;* *C. S. ch. 73, sec. 4.*

The rights and powers of a school district within its limits, and for school purposes; the right to the property of the district when divided, and the power to hold property, are similar to those of towns for town purposes. It may, by its treasurer or prudential committee, hold property as a fund for the benefit of the district school, and may require a bond for its safe keeping and payment. Districts are now by the Revised Statutes made public corporations, and are entitled to the rights and subject to the liabilities of such corporations.

6. Any town, not divided as aforesaid, shall be considered, when necessary, as one district, and shall be entitled to all the rights, and subject to all the duties and liabilities of a town, and of a district respectively. *R. S. ch. 69, sec. 4;* *C. S. ch. 73, sec. 5.*

7. If the selectmen of any town shall neglect, for six months after application made, to make a division as aforesaid, they shall forfeit a sum not exceeding one hundred dollars. *R. S. ch. 69, sec. 5;* *C. S. ch. 73, sec. 6.*

8. When a new district is formed from one or more districts, the selectmen, upon the petition of a majority of the legal voters of such new district, shall appraise all the property belonging to, and all the debts due by, each district so divided. *R. S. ch. 69, sec. 6;* *C. S. ch. 73, sec. 7.*

9. If the property exceed the debts, the selectmen shall assess upon the polls and ratable estate of that part of the district retaining such property, a reasonable sum, not exceeding the proportion of the excess which the polls and ratable estates of the parts of the districts so divided bear to each other, and shall assess and collect the same in the same manner as school-house taxes, and cause the same to be paid over and applied for the use of such new district. *R. S. ch. 69, sec. 7; C. S. ch. 73, sec. 8.*

10. Two or more contiguous districts, in adjoining towns, may, upon such terms as they shall think proper, unite in the support of schools, to be kept from year to year, so long as they agree, within either of such towns, for the common benefit of such districts; and it shall be lawful for the prudential committees of such districts, so long as such union exists, to expend in the support of said schools the proportion of school money assigned to their respective districts by the selectmen of their respective towns. *R. S. ch. 69, sec. 8; C. S. ch. 73, sec. 9.*

11. Each of the districts so uniting shall maintain its separate organization, and may raise money to build, repair, alter, remove or furnish a school-house and other necessary buildings for their common use, although the same be not built within the district raising the money; and the money so raised shall be assessed and collected in the same manner as though it had been raised to build a school-house within such district. *R. S. ch. 69, sec. 9; C. S. ch. 73, sec. 10.*

12. When an execution shall issue against any school district, a copy thereof shall be left with one of the selectmen of the town; and the selectmen shall assess the inhabitants of such district in a sum sufficient to satisfy the same, and shall have the same authority in the collection thereof that they now have in the collection of town taxes. *R. S. ch. 70, sec. 2; C. S. ch. 73, sec. 11.*

13. The FORM OF THE ARTICLE in the warrant relative to dividing the town into school districts may be :

To see if the town will divide its territory into school districts, and if so, into how many, and define their bounds; or,

To see if the town will alter the boundaries of any of the school districts in the town, or make any new districts, and fix their bounds.

The FORM OF THE VOTE of the town making a division may be :

*Voted*, that the territory of this town be divided into nine school districts, to be bounded and called as follows :

School district No. 1 is bounded thus : Beginning at the north-east corner of the homestead farm of A. B., at the highway leading from C. D.; thence southerly by said highway, about one mile, to the south-east corner of the farm of S. H.; thence westerly by the southerly line of the farms of said S. H., N. O. and D. P., to the south corner of the homestead farm of said D. P.; thence northerly by the westerly line of the farms of said D. P., N. L. and T. D., to the north-westerly corner of the farm of said T. D.; thence easterly by the northerly lines of the farms of T. D., P. R. and A. B. to the first bound, and comprising all the territory within said limits. School district No. 2 is bounded, &c.

The town may vote to authorize the selectmen to divide it into school districts, but such division will not be legal until it is accepted by the town at some legal meeting for the purpose, an article therefor being inserted in the warrant. In such case the selectmen act as a committee, and their doings must be ratified by the town. 3 N. H. R. 168.

14. The FORM OF THE APPLICATION TO THE SELECTMEN, on the neglect of the town in section 4, may be :

*To the Selectmen of the Town of H.*

Whereas the town of H. has neglected to divide itself into school districts, according to the law in such case made and provided, we, the subscribers, legal voters of said town, hereby request you forthwith to divide said town into convenient school districts, define their boundaries, and cause a record thereof to be made by the town-clerk according to law.

*H—, April 1, 1853.*

A. B., &c. &c.

As the selectmen are not authorized to make such division except upon the "neglect" of the town, and as the town can act only at a legal meeting, called by the selectmen, it will be more prudent, if not necessary, for the selectmen, before making such division, to call a town meeting for the purpose. If

the town refuse to district, the selectmen may then safely proceed. No notice need be given, (though it might be well to give notice,) but the selectmen should make the division immediately, describing each district "by metes and bounds," sign it, and cause it to be recorded by the town-clerk, together with the Application. The RECORD should be attested by the town-clerk as a true copy. The FORM OF THE RETURN may be the same as in the preceding section, omitting the word "*voted*," and saying instead—

Upon the foregoing application, the subscribers, selectmen of the town of H., said town having neglected to divide itself into school districts according to law, do order —.

15. The FORM OF THE APPLICATION for an appraisal of property and debts, as in section 8, may be :

*To the Selectmen of the Town of H.*

The undersigned, a majority of the legal voters in school district No 3, in said town of H., respectfully represent that said school district No. 3 is a new district, formed from school districts Nos. 2 and 6 in said town, by a vote of said town ; that said school districts Nos. 2 and No. 6 are possessed of school-houses and other property, belonging to said districts at and before the division thereof, and while said district No. 3 was a part thereof, for which said district No. 3 has received no compensation : We therefore request you to examine and appraise all the property belonging to, and all the debts due by said districts Nos. 2 and 6 respectively, at the date of the formation of said district No. 3, and to award a reasonable sum therefor to said district No 3, and cause the same to be assessed, collected and paid over to said district according to law.

A. B., &c. &c.

*H—, April 11, 1853.*

Upon this application the selectmen should appoint a time and place of hearing, the FORM of which may be thus :

Upon the foregoing application it is ordered that a hearing thereon be had at the dwelling-house of A. B., in said town, on the twenty-fifth day of April instant, and that notice thereof be given to said school districts Nos. 2, 3 and 6, by giving to the clerk of each of said districts in hand, or leaving

at his usual place of abode, an attested copy of this application and order of notice thereon, ten days at least before said day of hearing.

N. D. } Selectmen  
H. P. } of  
J. L. } H—.

*H—, April 12, 1853.*

Service of this notice may be made by any person, although an inhabitant of the district. The copies should be accurately made and examined, and attested by the person making the service, thus:

A true copy, Attest: THOMAS SMITH.

At the time and place of hearing, the person making such service should return the original to the selectmen, with a RETURN thereon as follows:

*H—, April 13, 1853.* This day I gave to N. L., clerk of school district No. 2, and to R. S., clerk of school district No. 6, in said town, to each a true and attested copy of the within application and order or notice thereon, and I left at the dwelling-house of C. P., clerk of said school district No. 3, being his usual place of abode, a like copy.

THOMAS SMITH.

MERRIMACK ss., April 25, 1853. Then the said Thomas Smith appeared, and made oath that the above return by him signed is true. Before me,

C. P., Justice of the Peace.

The selectmen should examine all the property and debts, hear all the evidence and arguments offered, take all the circumstances into consideration, and award such sum, if any, as they think justice requires. The application, order of notice, affidavit of notice and the award, should all be recorded by the town-clerk in the town records. The FORM OF THE AWARD may be:

We, the subscribers, selectmen of the town of H., having met the parties at the time and place, and for the purposes mentioned in the foregoing application and order of notice thereon, due notice thereof having been given to all of said parties, and having attentively examined and appraised all the

property belonging to, and all the debts due by, each of said school districts No. 2 and No. 6 respectively, and heard all the evidence and arguments offered thereupon, do determine as follows :

We appraise the property belonging to district No. 2 at the sum of — dollars, and the debts due by said district at the sum of — dollars ; and we order that said district pay to school district No. 3 aforesaid — dollars, within sixty days.

We appraise the property belonging to district No. 6 at the sum of — dollars, and no debts are due by said district to our knowledge. We order that said district pay to school district No. 3 aforesaid the sum of — dollars, within sixty days.

Given under our hands this twenty-fifth day of April, A. D. 1853.

N. D. } *Selectmen*  
H. P. } *of*  
J. L. } *Henniker.*

16. The union of school districts, authorized by section 10, must be made by a vote of each district, at some meeting in the warrant for which an article for that purpose was inserted. The districts must not be in the same town. The FORM OF THE ARTICLE for that purpose may be:

To see if this district will unite with school district No. 7, in G., for the purpose of schooling, and if so, upon what terms, and to take measures to carry the same into effect.

The FORM OF THE VOTE may be as follows :

*Voted*, that this district do unite with school district No. 7, in the town of G., for the support of schools in our united districts, and that the prudential committee of this district be a committee to agree with said district upon the terms of union.

*Voted*, that this meeting stand adjourned four weeks, to hear and act on the report of said committee.

The committees so appointed, having agreed upon the terms of union, should make a written report of the terms to the districts, and, such reports being accepted by vote of each district, and recorded by the clerk, will make the union legal.

17. The inhabitants of public corporations are competent witnesses in any case affecting the interests of such corporation.

*R. S. ch. 188, sec. 12; C. S. ch. 200, sec. 12.* A school district is such a "public corporation."

18. A vote to raise money by a school district whose limits have not been defined by a legal vote of the district (or by the selectmen according to law,) is void; and a warrant from the selectmen to the collector to collect the money, is no protection to him: if he collects the money by distress, he will be a trespasser. *4 N. H. R. 478.*

19. The only legal evidence to prove the doings of a school district meeting is the record itself, or a copy attested by the clerk. Parol testimony is not admissible. *4 Greenleaf R. 44.*

20. The powers of school districts are special and limited, and are such only as are expressly given by statute, or necessarily result from such granted powers. *3 Fairfield R. 258.* If they undertake to do any act not within said powers, it is illegal and void—*Ibid.*; but may raise money (in Maine,) to defray the expenses of a lawsuit in which they are involved—*Ibid.*; but not to build a second school-house, if the district has one good one already. *Ibid.*

It is doubtful if this is so in New-Hampshire, if more than one is needed for the schools in the district.

21. The selectmen of two or more adjoining towns, on petition of any member of any school district in either of said towns, may, by a majority of the selectmen in each town, disannex such member, together with his taxable property, for school purposes, from the district to which he belongs, and annex him to some district of one of the adjoining towns. *Laws 1845, ch. 221, sec. 1; C. S. ch. 73, sec. 12.*

22. Such selectmen may in like manner, on petition of persons interested, form new school districts, by the union of inhabitants of such adjoining towns, and may for this purpose set off individuals, with their taxable property, from existing districts; and it shall be the duty of the selectmen to define the districts so formed, by metes and bounds, and to cause the same to be recorded in their respective towns; and the selectmen of the town first incorporated may call the first meeting of the district so formed. *Laws 1845, ch. 24, sec. 2; C. S. ch. 73, sec. 13.*

23. The selectmen of the town in which the school-house is located shall have all the powers and are required to perform all the duties in relation to filling vacancies in said

district, that the selectmen of towns now have. *Laws of 1851, ch. 1117, sec. 2; C. S. ch. 73, sec. 14.*

24. Whenever a school district, composed of inhabitants of different towns, shall vote to raise money for the purpose of building, buying or repairing a school house, it shall be the duty of the clerk of said district to notify the selectmen of the several towns in which the persons belonging to such district may reside, of the amount of money so voted to be raised; and it shall be the duty of the selectmen of each of said towns thereupon to assess upon the polls and ratable estate of such persons, residing in their respective towns, their due proportion of the sums so voted to be raised, having regard to the entire inventory of all the inhabitants of said district, and to cause the same to be collected and paid over to the person authorized by the district to receive it. *Laws 1845, ch. 221, sec. 3; C. S. ch. 73, sec. 15.*

25. All persons who have been or may hereafter be severed from any school district in one town, and annexed to a school district in any other town, for the purpose of schooling, shall pay a just proportion for the purpose of building or repairing school-houses in said districts to which they are or may be annexed. *Laws 1845, ch. 223, sec. 1; C. S. ch. 73, sec. 16.*

26. Whenever any such district shall vote to raise money, the clerk of said district shall certify such vote to the selectmen of each of said towns; and said selectmen shall form a joint board for the purpose of assessing upon the polls and ratable estate of said district the due proportion of said money; and each board of selectmen shall commit to the collectors of their respective towns the taxes by them so assessed in their respective towns, to be collected and paid over to the person or persons by said district authorized to receive the same, to be applied and accounted for according to law. *Laws 1845, ch. 223, sec. 2; C. S. ch. 73, sec. 17.*

27. All persons who have been, or hereafter may be severed from any school district in one town and annexed to a school district in any other town for the purpose of schooling, shall have and enjoy all the rights and privileges in regard to the literary and school funds of every description, to which they would have been entitled if they had not been so disannexed or united. And whenever the real estate of any person shall be disannexed for the purposes aforesaid, the polls

and ratable estate of all persons residing or having their home on said real estate, on the first day of April of each year, shall also be considered as disannexed, and their proportion of the literary and school fund shall be paid over to the prudential school committee of the district to which said real estate has been annexed. It shall be the duty of the selectmen of the town from which any person or persons may be disannexed as aforesaid, to pay over the proportion of the literary and school fund as aforesaid to the prudential school committee as aforesaid, on or before the first day of February, annually. *Laws of 1850, ch. 974, secs. 1 and 2; C. S. ch. 73, sec. 18.*

28. The town of Pittsburg and the town of Bartlett are exempt from the provisions of the law of this State in regard to the division of the town into school districts; and the selectmen thereof respectively may divide said towns, or any part thereof, into as many school districts as they may deem just, and cause a record thereof to be made in the records of said town, which districts shall have all the rights and privileges and be subject to all the liabilities of other school districts in the State. *Laws of 1848, ch. 632, and laws of 1851, ch. 1108; C. S. ch. 73, sec. 19.*

29. The FORM OF PETITION to be annexed to a district in another town may be as follows:

*To the Selectmen of the Towns of A. and B.*

The undersigned, a member of school district No 3, in said Bedford, respectfully represents that it would be convenient and desirable to him to be annexed to school district No. 4, in said A. He therefore prays that he and his taxable property may be disannexed from said school district No. 3, in B., and annexed to said district No. 4, in A.

B., — —, 1853.

S. M.

The FORM OF A PETITION for a new district in two adjoining towns may be as follows:

*To the Selectmen of the Towns of A. and B.*

The undersigned, members of school districts No. 3, in said town of A., and No. 4, in B., respectfully represent that it would be convenient and desirable that a new school district

should be formed, by setting off parts of the districts aforesaid, and uniting them into such new district, situate partly in A. and partly in B., to be limited and bounded as follows, viz :

[Here describe the bounds of the new district,] or otherwise, as to the said selectmen shall seem expedient. They therefore pray that you will cause such new district to be formed, defined and recorded, according to law.

X.	Y.
U.	W.
T.	V.

A., — —, 1853.

Upon either of these petitions an ORDER OF NOTICE should be made and signed by the selectmen of both towns, which should be served and return thereof made under oath. (See the forms and directions in sec. 15, of this chapter.) The parties should be heard by a majority of each board of selectmen acting together, and their ORDER may be in the form following :

We, the subscribers, selectmen of A. and B., having met the parties at the time and place, for the purposes mentioned in the foregoing application and order of notice, due notice thereof having been given to all of said parties, and having made due examination of the said districts named in said application, and heard the evidence and arguments offered thereon, do determine as follows :

[We disannex the said S. M. and his taxable property from said school district No. 3, in B., and annex him to said district No. 4, in A., and we fix and define the limits of said district No. 4, in Amherst, as follows :

Here describe the bounds of the whole district in both towns.]

We direct that the said application, order of notice, return of service, and determination, be recorded at length in the town records of said A. and B.

Witness our hands, this      day of      , 1853.

A. B.	Selectmen of A.
C. D.	
E. F.	
G. H.	Selectmen of B.
I. J.	
K. L.	

If the application is for a new district, insert, instead of the clause in brackets :

We set off the following persons, with their taxable property, from district No. 3, in said town of A., namely, [here insert the names,] and the following persons, with their taxable property, from district No. 4, in said town of B., namely, [here insert the names,] and form them into a new district, to be called ; and we fix and define the limits of said new district as follows : [Here describe the whole district in both towns by metes and bounds.]

30. Comparing the 24th, 25th and 26th sections, it appears that the taxes upon any district, composed of parts of two or more towns, must be assessed by the selectmen of both towns, as a joint board, the assessment signed by a majority of each board and recorded in each town, and the selectmen of each town should issue a separate warrant for the collection of the taxes in their town, to the collector of that town. This assessment should be made upon a new invoice taken for the purpose, if the tax is assessed after the first day of July.

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## CHAPTER 2.

### OF THE MEETINGS AND OFFICERS OF SCHOOL DISTRICTS.

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| 1. Annual meeting, how holden.<br>2. Special meetings, how called.<br>3. Meetings warned by selectmen.<br>4. Warrant returned to clerk.<br>5. Who are voters in district.<br>6. Penalty for illegal voting.<br>7. Officers of the district, what.<br>8. Moderator chosen by ballot, by plurality.<br>9. Moderator to be sworn.<br>10. Clerk of district, his duties.<br>11. Oath of officers, form.<br>12. Affirmation may be used instead of oath. | 13. Vacancies, how filled.<br>14. Prudential committee, duties.<br>15. Prudential committee, removal.<br>16. Notice to be given.<br>17. Hearing to be had.<br>18. Check list used in school meetings, when.<br>19. Check list may be adopted.<br>20. Form of application to committee.<br>21. Form of warrant for meeting.<br>22. Proceedings in such case.<br>23. Articles to be inserted. |
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| 24. Form of application to committee, to call meeting.<br>25. Form of application to selectmen to call meeting.<br>26. Form of warrant by selectmen.<br>27. Vacancy, application to fill.<br>28. Vacancy, form of appointment. | 29. Petition for removal, form.<br>30. Notice of removal, form.<br>31. Service of notice, how made.<br>32. Records of district, how made.<br>33. Liability of district.<br>34. Liability of clerk.<br>35. Form of certificate of vote. |
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1. There shall be a meeting holden annually in the month of March, in each school district, (excepting in such towns as shall have adopted the provisions of the chapter relating to schools in Portsmouth,) and the prudential committee of the district shall issue his or their warrant to the inhabitants of such district, qualified to vote in town affairs, stating the time, place and purposes of the meeting, and shall warn the same, by posting up a copy of such warrant, attested by such committee, on the door of the school-house, if there be any in the district; otherwise at one or more public places in the district, seven days at least prior thereto. *Laws 1845, ch. 222, sec. 1; C. S. ch. 74, sec. 1.*

2. Special meetings may be called at any time, in the same manner, except for raising money, or building or repairing school-houses, in which case an attested copy of the warrant issued shall be posted up fifteen days prior to the meeting, or given to each voter in hand, or left at his usual place of abode, at least ten days prior thereto. *Ibid., sec. 2.*

Special meetings may be called for any purpose. If called for the purpose of raising money or building or repairing school-houses, fifteen days' notice must be given, by posting up a copy of the warrant, or ten days' personal notice. For all other purposes, no personal notice need be given, and ten days' posting up is sufficient.

3. If the prudential committee shall neglect to warn any such annual meeting by issuing a warrant and posting up an attested copy thereof, as aforesaid, prior to the fifteenth day of March, or shall neglect, for the space of ten days after application made in writing by three or more voters of the district, to call any such special meeting, the selectmen of the town, upon a like application, shall call such annual or special meeting, by issuing their warrant and causing a copy thereof, attested by them, to be posted or served in the manner herein before prescribed. *Ibid., sec. 3.*

The same notice is to be given by the selectmen, in warning

an annual or special meeting, that is required of the prudential committee for a similar meeting.

4. In all cases the original warrant, with a certificate thereon, verified by oath, which oath the clerk of the district is hereby authorized to administer, that a copy thereof was posted up or served as required by law, shall be given to the clerk of the district on or before the day of the meeting, and shall be recorded by said clerk in the records of the district. *Ibid.*, sec. 4.

5. Any person qualified to vote in town affairs may vote at any district meeting in the district in which he resides and has his home. *R. S. ch. 70, sec. 6; C. S. ch. 74, sec. 5.*

6. If any person at any school district meeting duly called and holden agreeably to the provisions of the chapter to which this act is in addition (*this chap.—70 of R. S.*) shall give in more than one vote for any officer voted for at such meeting; or if any person under the age of twenty-one years, or any alien not naturalized, or any person who does not reside or have his home in such school district, he shall be punished by fine not exceeding thirty dollars, or may be imprisoned in the common jail not exceeding three months. *Laws of 1847, ch. 496; C. S., ch. 74, sec. 6.*

As to who are legal voters, see *ch. 24, sec. 1, R. S.*

7. The officers of the district shall be a moderator, a clerk, and a prudential committee not exceeding three, all of whom shall be legal voters in the district, and shall hold their offices until the next annual meeting, or until others are duly elected and qualified in their stead. *R. S. ch. 70, sec. 7; C. S. ch. 74, sec. 7.*

8. The moderator of any school district meeting, or of any high school associated district meeting, shall be chosen by ballot by a plurality of the legal voters present and voting at said meeting; and such moderator shall be vested with all the power and authority which moderators of town meetings by law have to conduct the business and preserve order in the meetings over which they preside. *Laws of 1852, ch. 1301; C. S. ch. 74, sec. 8.*

9. The moderator of any school district meeting duly called and holden, before entering upon the duties of his office, shall be sworn to the faithful performance thereof, which oath may be administered by the clerk of the previous year, or any other legal voter of the district calling the meeting to order,

and said oath shall be recorded. *Laws of 1850, ch. 981; C. S. ch. 74, sec. 9.*

10. The clerk, before entering upon the duties of his office, shall be sworn to the faithful performance thereof, which oath may be administered by the moderator, and shall be recorded. The clerk shall keep a true and perfect record of all the doings of each meeting, which shall be signed by him; shall deliver to the selectmen a certified copy of every vote to raise money, within ten days thereafter, and shall make and certify copies of any record, when required and payment therefor tendered. *R. S. ch. 70, sec. 8; C. S. ch. 74, sec. 10.*

As by the *Revised Statutes, ch. 15, sec. 4*, "No person chosen or appointed to any public office under any law of this State shall exercise such office, or shall perform any duty therein, until he shall have taken the oath of office therefor," it is clear that the moderator and prudential committee, as well as the clerk, must be sworn before they are qualified to act.

Of course, where there are qualified officers in a district, they will continue to act until their successors are qualified to perform their duties.

11. The form of the oath may be the same as that administered to town officers:

You do solemnly swear that you will faithfully and impartially discharge and perform all the duties incumbent on you as , according to the best of your abilities, agreeably to the rules and regulations of the constitution and laws of the State of New-Hampshire. *So help you God. R. S. ch. 35, sec. 3; C. S. ch. 37, sec. 2.*

Which may be administered by the moderator, or any justice of the peace, and a record of the oath should be made in the record book of the district, and signed by the person who administered the oath.

The FORM OF RECORD may be :

HILLSBOROUGH SS., March 23, 1853. Personally appearing took the oath of office as a .

Before me, —————, Justice of the Peace.

A record of an oath, "sworn into office," is insufficient. 6 *N. H. R. 182.* So, also, qualified by F. Chase, Esq. 9 *N. H. R. 170.*

12. If any person is conscientiously scrupulous of swearing, the word "affirm" may be substituted for "swear," in the

form of the oath, and the words, "this you do under the pains and penalties of perjury" instead of "So help you God." Such affirmation shall for all purposes be and constitute an oath. *R. S. ch. 15, sec. 5; C. S. ch. 15, sec. 5.*

A "certified copy" of a vote is a copy of the record of the meeting, made by the clerk, including his own name, and attested thus :

A true copy. Attest: R. G., Clerk of said District.

13. If any vacancy shall occur in the office of clerk or prudential committee, from neglect to choose, or any other cause, the selectmen, upon the application of one or more voters in such district, shall fill such vacancy; and the officers thus appointed shall hold their offices until new ones are legally chosen and qualified, and shall possess all the powers and be subject to all the duties incident to said offices. *R. S. ch. 70, sec. 9; C. S. ch. 74, sec. 11.*

14. It shall be the duty of the prudential committee to select and hire teachers for the district, provide for their board, furnish necessary fuel, make such occasional repairs in the school-house and furniture as may be necessary, not exceeding in amount five per cent. of the school money for the district, notify the superintending school committee of the commencement of the summer and winter school, and give them all such information and assistance as may be necessary for the performance of their duties. *R. S. ch. 70, sec. 10; C. S. ch. 74, sec. 12.*

15. If any member of the prudential committee is incompetent, or irresponsible, or mismanages the affairs of the district, the selectmen, on the petition of one fourth of the legal voters of the district, may dismiss him from office, and cause him to be notified of such dismissal, by giving to him in hand, or leaving at his usual place of abode in the district, a written notice thereof. *R. S. ch. 70, sec. 11; C. S. ch. 74, sec. 13.*

16. Whenever the selectmen of any town shall be applied to, to dismiss any member of any prudential committee of any school district in said town, under said section, (15th of this chapter,) they shall thereupon assign a time and place of hearing, require of the petitioners a specification of charge, and shall cause a notice of the time and place of hearing, together with a copy of said specification, to be served on the party accused, at least four days before the time of hearing, by giv-

ing the same to him in person, or leaving the same at his usual place of abode in said town. *Laws of 1846, ch. 319, sec. 1; C. S. ch. 74, sec. 14.*

17. On such hearing, the parties and witnesses may be examined by said selectmen, on oath; and if, on such hearing, the selectmen shall be of opinion that the party accused is incompetent, irresponsible, or mismanages the affairs of the district, they shall dismiss him—otherwise not. *Laws 1846, ch. 319, sec. 2; C. S. ch. 74, sec. 15.*

18. Whenever ten legal voters in any school district in any of the towns or cities within this State shall, in writing, and thirty days before the annual meeting in such district, apply to any one of the committee having charge of the prudential affairs of such district, requesting that a check list of the voters of such district may be used at such annual meeting, it shall be the duty of such committee to make and post up and correct a list of all the legal voters in their respective districts, in the same way and manner that selectmen of towns are now required to do in regard to check lists in their respective towns; and the check lists in said districts so made out, posted up and corrected, shall be used and checked at said annual meeting, whenever a ballot is taken, in the same way and manner as is now required by law in the election of State officers. *Laws of 1851, ch. 1118, sec. 1; C. S. ch. 74, sec. 16.*

19. Any school district in any town or city within this State, at any annual meeting thereof, may, by a major vote adopt this act, [the sixteenth section of ch. 74, C. S.] and when so adopted it shall be thereafterwards in force in such school district so adopting the same, without said written application provided in said sixteenth section. *Laws of 1851, ch. 1118, sec. 2; C. S. ch. 74, sec. 17.*

20. The FORM OF APPLICATION to prudential committees to use check list at the annual meeting, may be as follows:

*To the Prudential Committee of School District No. 3, in the town of P.*

You are requested by the subscribers, legal voters of said district, to cause a check list of the legal voters of said district to be prepared and used at the next annual meeting of said district.

A. B.

C. D.

E. F., &c.

*P—, Feb. — 1853.*

21. The FORM OF WARRANT for a school meeting, called by the prudential committee, may be :

STATE OF NEW-HAMPSHIRE.

[L. S.] *To the Legal Voters of School District No. 3, in the Town of Nashville.*

You are hereby notified to meet at the school house in said district, on Tuesday, the twenty-third day of March instant, at seven o'clock in the afternoon, for the transaction of the following business :

- I. To choose a moderator to preside in said meeting.
- II. To choose a clerk, prudential committee, and other necessary officers for the ensuing year.
- III. To see if the district will remove and fit up the present school house, or build a new one, and fix upon a location for the same.
- IV. To see if the district will sell the present school house lot, and buy another lot, and raise money therefor.

Given under our hands and seal, at said Nashville, this fourth day of March, A. D., 1853.

A. E. T. }  
J. R. } Prudential Com'tee  
C. J. F. } of the District.

The copy or copies posted up should be exact transcripts of the original warrant; putting a scroll and the letters L. S. in place of the seal; should be attested by the prudential committee below the copy of their signatures, thus :

A true copy. Attest:

A. E. T. }  
J. R. } Prudential Com'tee  
C. J. F. } of the District.

The RETURN OF SERVICE on such warrant may be :

HILLSBOROUGH ss., March 21, 1853. This certifies that I posted up a true copy of the within warrant, attested by said prudential committee, at the door of the school house in said district, on the sixth day of March, 1853, and on the same day I posted up a like copy at the tavern of M. T., being one of the most public places in said district.

A. E. T.

## The FORM OF THE AFFIDAVIT may be :

HILLSBOROUGH ss., March 23, 1853. Then the said A. E. T. made oath that the above return by him signed is true.

Before me, C. J. F., Justice of the Peace.

A return that he had warned all the legal voters to meet at the time and place, and for the purposes within mentioned, was held defective in not specifying how notice was given, or how long before the time of meeting. 12 *Pick. R.* 206.

22. The warrant, return of notice and affidavit should be recorded by the clerk, and attested as a true copy of the original; and the record of the proceedings of the meeting should be similar to that of the town-clerk in case of town meetings. And as the statute [see sec. 3, of this chapter,] requires that the warrant, return of service and certificate of oath should be given to the clerk on or before the day of meeting, it is advised that the clerk should add a certificate of that fact, before the record of proceedings.

## The FORM OF CERTIFICATE may be thus :

I certify that the original warrant, return of service and certificate of oath, above recorded, were given to me on the twenty-first day of March, 1853, before the opening of the said meeting.

J. C., Clerk of the District.

As this provision cannot be complied with if there is no clerk, application should be made to the selectmen, and a clerk appointed by them, and sworn before the meeting.

23. Articles should be inserted in the warrant specifying the subjects to be acted on at the meeting, as in the case of town meetings.

## The FORM OF THE RECORD of the meeting may be thus :

At a meeting of the legal voters of school district No. 3, in the town of N—, holden at the school-house in said district, on Tuesday, the twenty-third day of March instant, at seven o'clock in the afternoon, pursuant to notice, A. B. was chosen moderator of said meeting, who, being present, took the oath of office as prescribed by law. C. D. was chosen clerk, who, being present, took the oath of office as prescribed by law. J. P., C. F. and T. M. were chosen prudential committee for the

ensuing year, who, being present, severally took the oath of office, as prescribed by law.

*Voted*, To fit up the present school-house and raise — dollars therefor.

*Voted*, To sell the present school-house lot and buy another, and to raise      dollars therefor, &c., &c.

Attest:                    J. C., Clerk of said District.

24. The FORM OF AN APPLICATION to the prudential committee, to call a special meeting, may be as follows:

*To the Prudential Committee of School District No. 3, in the Town of N.*

You are requested by the subscribers, legal voters of said district, to call a special meeting of the legal voters of said district, and to insert in the warrant therefor an article in substance as follows, viz:

To see if the district will vote to build a new school-house, or to repair the old one, and to raise money and take the necessary measures therefor.

A. B.  
C. D.  
E. F.

*N—, May 2, 1853.*

The form of the warrant for such a meeting may be the same as for the annual meeting, and the application should be recorded by the clerk with the other papers and proceedings.

25. The FORM OF THE APPLICATION to the selectmen, authorized by sec. 3, may be as follows:

*To the Selectmen of the Town of N.*

Whereas on the second day of May, 1853, application was made to the prudential committee of school district No. 3, in said town, to call a meeting of the legal voters of said district, a copy of which application is as follows: (Here insert a copy of the application to the prudential committee, date and names of signers;) and whereas more than ten days have elapsed since said application was made, but no meeting of said district has been called by said committee:

We, the subscribers, legal voters of said district, therefore request you to call a meeting of the legal voters of said school district as soon as may be, to act upon the subjects specified in said application.

A. B., C. D., &c., &c.

*N—, May 15, 1853.*

If the prudential committee have neglected to post up a warrant for a meeting by the fifteenth day of March, the form of the application may be similar to the foregoing, omitting all from "Whereas" down to "said committee," and inserting instead :

*Whereas* the prudential committee of school district No. 3, in said town, have neglected to warn the annual meeting in said district, by posting up a warrant therefor prior to the fifteenth day of March, and still neglect it : We, the subscribers, &c.

26. The FORM OF THE WARRANT for a school meeting, issued by the selectmen, may be thus :

#### THE STATE OF NEW-HAMPSHIRE.

*To the Legal Voters of School District No. 3, in the Town of N.*

[L. S.] By virtue of the authority in us vested by the laws of this State, you are hereby notified and warned to meet at the school-house in said district, on Saturday, the twenty-eighth day of May, 1853, at three o'clock in the afternoon, to act upon the following subjects :

1. To choose a moderator to preside in said meeting.

(Here insert the articles or subjects to be acted on.)

Given under our hands and seal, this sixteenth day of May, A. D., 1853.

A. B. }  
C. D. } Selectmen of N—.  
E. F. }

The selectmen must see that a copy of this warrant, attested by them, is posted up (which may be done by any applicant or other person,) in the manner provided in sections 1 and 2; and the return of service, affidavit, clerk's certificate, proceedings at the meeting, and the record thereof, may be the same as if the meeting had been called by the prudential committee.

The FORM OF THE RECORD may be :

At a meeting of the legal voters of school district No. 3, in the town of N—, holden at the school-house in said district, on Saturday, the twenty-eighth day of May, 1853, at three

o'clock in the afternoon, pursuant to notice, C. D. was chosen moderator of said meeting.

Voted, &c. Attest: G. R., *Clerk of said District.*

The selectmen have no power to call a meeting, excepting in the two cases specified in sec. 7, viz.:

I. The failure of the prudential committee to warn a meeting before the 15th of March.

II. The refusal of the prudential committee to call a meeting within ten days after a proper application.

If there is no legal and qualified prudential committee, neither of these cases can happen. In such case, application must be made to the selectmen to appoint a prudential committee, who, after being sworn, may call a meeting.

27. The FORM OF THE APPLICATION to the selectmen to fill a vacancy (see sec. 13) may be as follows:

*To the Selectmen of the Town of N.*

Whereas a vacancy now exists in the office of clerk of school district No. 3, in said town, by reason of the death of C. H., late clerk of said district, we, the subscribers, legal voters of said district, therefore request you to appoint some suitable person to be clerk of said district, according to the law in such case made and provided.

T. D.

*N—, May 2, 1853.*

G. P.

28. The FORM OF THE APPOINTMENT in such case may be:

*To N. H., of N., in the County of Hillsborough.*

Whereas there is a vacancy in the office of clerk of school district No. 3, in said town, and application has been made to us, selectmen of said town, by one or more legal voters of said district, to fill said vacancy; and whereas we have confidence in your capacity and fidelity, we do appoint you to be clerk of said school district; and upon your taking the oath of office and having the same recorded in the record-book of said district, you shall possess all the powers and be subject to all the liabilities incident to said office, until another clerk is legally chosen and qualified in your stead.

Given under our hands at N., this second day of May, 1853.

A. B. }  
C. D. } Selectmen of N—.  
E. F. }

The application, appointment, and oath of office, should be recorded in the record-book of the district.

29. The FORM OF THE PETITION for the dismissal of a member of the prudential committee may be :

*To the Selectmen of the Town of N.*

Whereas G. H., a member of the prudential committee of school district No. 2, in said town, is irresponsible, we, the subscribers, being more than one-fourth part of all the legal voters of said district, request you to dismiss said G. H. from his said office, and to cause him to be duly notified thereof; and we also request that you would appoint some suitable person to fill the vacancy occasioned thereby.

N. G.

L. O., &c., &c.

*N—, April 11, 1853.*

If the member is *incompetent*, or *mismanages the affairs of the district*, omit the word "*irresponsible*," in the form, and insert instead the above words, as the case may be.

Upon this application the selectmen should appoint a time and place of hearing, the FORM of which may be as follows :

Upon the foregoing application, it is ordered that a hearing be had thereon at the dwelling-house of A. B., in said town, on the seventeenth day of April instant, that the petitioners furnish to us a specification of their charge against said G. H., and cause a notice thereof to be given to said G. H., by giving to him in hand, or leaving at his usual place of abode, an attested copy of this application and order of notice thereon, and an attested copy of the said specification of charge, at least four days before said day of hearing.

N. D.  
H. P. }  
J. L. } *Selectmen of N—.*

*N—, April 11, 1853.*

Specification of charge against G. H., prudential committee of school district No. 2, in N., upon an application for his removal from said office, presented by us to the selectmen of said N. :

We charge, that said G. H. is irresponsible.

N. G.  
L. O., &c.

*N—, April 11, 1853.*

Service of this notice and specification may be made by any person. The copies should be accurately made and examined, and attested by the person making the service, thus :

A true copy. Attest : G. S.

At the time and place of hearing, the person making such service should return the original to the selectmen, with a CERTIFICATE thereon as follows :

*N—, April 11, 1853.* This day I gave to G. H. in hand a true and attested copy of the above application, order of notice and specification of charge.

T. S.

*H— ss., April 17, 1853.* Then the said T. S. appeared and made oath that the above return by him signed is true.

Before me, J. P., Justice of the Peace.

30. The FORM OF THE DISMISSAL thereon may be :

*To G. H., one of the Prudential Committee of School District No. 2, in the Town of N.*

Whereas application has been made to us, selectmen of said town, by more than one-fourth part of the legal voters of said district, to dismiss you from your said office, for the reason that you are irresponsible, and a specification of said charge being by us required, has been made; and we have assigned a time and place of hearing, and caused notice thereof, and of said specification, to be served on you more than four days before said day of hearing; and have, at said hearing, heard the parties and examined on oath the witnesses produced; and whereas we are of the opinion that you are irresponsible :

We therefore do, by virtue of the authority in us vested by law, dismiss you from your said office, and do order that you no longer perform any duty therein.

Given under our hands, at said N., this seventeenth day of April, 1853.

A. B.)  
C. D. } Selectmen of N—.  
E. F.)

If the dismissal is for any other cause except being *irresponsible*, the form of dismissal should be altered accordingly.

31. The original notice of dismissal should be given to the

person dismissed, and a copy taken and preserved, upon which the RETURN OF SERVICE should be made thus :

HILLSBOROUGH ss., *N*—, April 17, 1853. This day I gave to G. H., within named, in hand the original notice, of which the within is a true copy. D. W.

The affidavit may be in common form.

The petition, order of dismissal, return of service and affidavit, should all be recorded by the clerk of the district.

32. The record of the proceedings of every district meeting should be signed by the clerk. A record not signed is of no avail. All papers recorded should be attested by him as true copies.

33. Contracts made by the prudential committee, which he is authorized by law to make, are the contracts of the district. The committee is a public agent, and not personally liable for any thing done in pursuance of his legal authority. If not so authorized, he may make himself personally liable. 15 *Pick.* R. 39.

34. The clerk is not liable for certifying to the selectmen the vote of the district to raise money, although the meeting was illegal. 17 *Pick. R.* 208.

35. The FORM OF A CERTIFICATE of a vote raising money may be :

*To the Selectmen of the Town of N.*

I hereby certify that at a legal meeting of the legal voters of school district No. 1, in said town, duly warned, and holden pursuant to notice, at the school-house in said district, on the second day of May, 1853, the following vote was passed :

“Voted, That the district raise the sum of four hundred dollars, for the purpose of building a school-house in said district.” R. G., Clerk of said District.

## CHAPTER 3.

## OF SCHOOL HOUSES.

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| <ol style="list-style-type: none"> <li>1. School houses, how erected, repaired and furnished.</li> <li>2. If voters aggrieved, remedy.</li> <li>3. Proceedings on complaint.</li> <li>4. Costs, how allowed in such case.</li> <li>5. If district disagree on location.</li> <li>6. If district destitute, remedy.</li> <li>7. Section 6, how construed.</li> <li>8. If owner of lot selected refuses to sell, remedy.</li> <li>9. Selectmen not liable for neglecting to remove school-house, when.</li> <li>10. Proceedings in such case.</li> <li>11. School-house tax, how assessed.</li> <li>12. New invoice may be taken.</li> </ol> | <ol style="list-style-type: none"> <li>13. Tax on non-residents.</li> <li>14. Notice of meeting to build two school-houses.</li> <li>15. Voters aggrieved, remedy.</li> <li>16. Petition of voter aggrieved.</li> <li>17. Committee appointed thereon.</li> <li>18. Form of notice thereon.</li> <li>19. Proceedings and report.</li> <li>20. Proceedings under section 5.</li> <li>21. Petition to lay out lot, form.</li> <li>22. Proceedings on such petition.</li> <li>23. Vote to raise money, legal.</li> <li>24. Assessment of such tax.</li> <li>25. One school-house only.</li> <li>26. Power of town over district.</li> </ol> |
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1. At any meeting, legally holden for the purpose, any district may vote to build, purchase, repair, alter or remove a school-house in and for such district, and other necessary buildings therefor, and to furnish the same with all necessary apparatus and furniture for the use of the school therein ; may decide upon the location thereof, and purchase land therefor not exceeding one acre ; may choose committees with power to carry said votes into effect, and may raise money therefor. *R. S. ch. 71, sec. 1. Amended by laws of 1845, ch. 224; C. S. ch. 75, sec. 1.*

The power of the district to "furnish" the school-house "with all *necessary apparatus and furniture*," is in terms new. All such *apparatus* as maps, globes, and other contrivances for illustrating the studies pursued in the district school, may be "necessary," if the district so vote and direct their purchase.

2. If any three or more voters in such district are aggrieved by such location, they may apply by petition to the selectmen, who, if they think expedient, shall appoint a committee of three or five qualified voters of the town, not resident in the district, to examine and report thereon. *R. S. ch. 71, sec. 2; C. S. ch. 75, sec. 2.*

3. Said committee shall appoint a time and place of hearing said petition, and shall notify one or more of said petitioners, and also the prudential committee or clerk of the district thereof; and after such hearing, their report thereon, signed by them, returned to the selectmen and recorded in the books of the town, shall be binding upon said district as if such new location had been made by a vote of the district. *Ibid.*, sec. 3.

4. If such location is changed, costs shall be taxed by the committee in favor of the petitioners, for the reasonable expenses of the committee and of the petitioners, which shall be paid by the district. If the location is not changed, the expenses of the committee shall be paid by the petitioners. *Ibid.*, sec. 4.

5. If at any meeting the district do not agree upon a location for a school-house, the selectmen, upon the petition of three or more voters in the district, shall appoint a time and place of hearing thereon, notify one or more of the petitioners, and the prudential committee or clerk of the district thereof, and after such hearing, their report, designating a location, which shall be recorded in the books of the town, shall be binding upon such district as if made by a vote thereof. *Ibid.*, sec. 5.

6. If any district is destitute of a school-house, or suffers the same to be out of repair, or shall be ordered to remove or fit up the same, or to raise any sum of money, or do any act required by law, and shall neglect so to build, repair, remove or fit up such school-house, or raise such sum, or do such act, the selectmen, upon the petition of three or more voters resident in the district, stating such facts, may assess and collect such sum of money as may be necessary, and cause such house to be built, removed, repaired or fitted up, such moneys to be expended, and such orders to be executed in such manner as they shall think expedient. *Ibid.*, sec. 5.

7. This section shall be so construed as to apply to the building and repairing of all other necessary buildings connected with school-houses, in the same way that it now applies to the building and repairing of school-houses. *Laws 1853, ch. 1435.*

8. If a suitable place for the location of a school-house is designated in either of the ways aforesaid, and the owner shall refuse to sell the same for a reasonable price, the selectmen upon petition therefor may lay out said lot, not exceeding one

half of an acre, if in the opinion of the selectmen so much is needed for that purpose, and appraise the damages to the owner, and the proceedings thereon for obtaining increased damages in case the owner is dissatisfied shall be the same as in case of a highway laid out by the selectmen. *R. S. chap. 71, sec. 7, amended by laws of 1849, chap. 853. C. S. ch. 75, sec. 7.*

9. The selectmen of a town are not liable to be indicted for neglecting on petition to remove a school-house to a new site, designated according to the statute by a report of a committee, unless the district, by purchase or otherwise, had obtained the right to place the school-house on the new site. *I. F. R. 185.*

10. A record of the doings of the selectmen shall be made by them in the books of the town; and upon payment or tender of the damages so assessed by the selectmen, the land so laid out shall vest in said district, but shall revert to the owner whenever the district shall vote to discontinue the use thereof, or shall neglect to use the same for two years successively. *R. S. ch. 71, sec. 8; C. S. ch. 75, sec. 8.*

11. For the purposes aforesaid, every person shall be taxed in the district in which he lives, for his poll and all the personal estate which he holds in the town; and all real estate in the town shall be taxed in the district in which it is. *Ibid., sec. 9.*

12. The selectmen in the several towns and places in this State, when for the purposes of building and repairing school-houses it shall become necessary, are hereby authorized to make a new invoice of all the property in such district, for the purpose of making a just assessment of the taxes necessary for such purposes. *Laws 1844, ch. 148, sec. 1; C. S. ch. 75, sec. 10.*

13. When any tax shall be assessed on any non-resident proprietors, or owners of property liable by law to be assessed for the purpose of purchasing any school-house, or for the erection or repair of any such house, after the first day of July in any year, a certified copy of the list of such taxes, as assessed by the selectmen, and as delivered to the collector, shall by such collector be delivered to the deputy secretary on or before the eighth day of the next succeeding June session of the general court. And all such proceedings shall be had in relation to the same as are now had in the payment and

collection of non-resident taxes that may be otherwise assessed.  
*Ibid.*, sec. 2; *C. S. ch. 75, sec. 11.*

In the assessment of school-house taxes, selectmen should have particular regard to this section, as its provisions are new.

14. Any school district, at a legal meeting holden for that purpose, may, by two thirds of the legal voters of such district, present at said meeting, vote to build, purchase, alter, repair or remove two or more school-houses in and for such district, and other necessary buildings therefor, and to furnish the same with all necessary apparatus and furniture; may decide upon the location of such houses, and purchase land therefor, and may raise money for that purpose: *provided*, that if each legal voter in said district has been served with a written or printed notice of the time, place and objects of said meeting, at least seven days prior thereto, in such case a majority of the voters present and voting at said meeting shall have power to bind the district to the performance of the objects contemplated in this act, (this section.) *Laws of 1852, chap. 1286; C. S. ch. 75, sec. 12.*

15. If any three or more legal voters in such district are aggrieved by the location of either of the school-houses therein, they may apply by petition to the selectmen of the town where such school houses are located, who may proceed thereon according to the provisions of chapter seventy-one of the revised statutes, (this chapter.) *Laws of 1848, chap. 729, sec. 2; C. S. ch. 75, sec. 13.*

16. The FORM OF A PETITION by persons aggrieved by the location of a school-house may be:

*To the Selectmen of the Town of N.*

Whereas the school-house in school district No. 3, in said town, is so located as to be inconvenient and unjust to the subscribers, legal voters in said district, who are aggrieved thereby: we therefore request you to appoint a committee to examine and report upon the same, and to cause a new and more equitable location and record thereof to be made according to law.

N. D.  
L. M., &c.

*N—, May 2, 1853.*

17. The APPOINTMENT of a committee thereon may be:

2\*

*To L. B., J. N. and T. S., of N., in the County of H.*

Whereas application has been made to us, selectmen of the town of N., legal voters in school district No. 3, in said town, stating that they are aggrieved by the location of the school-house in said district, and requesting us to appoint a committee to examine and report thereon: Now we, reposing confidence in your judgment and integrity, do appoint you a committee for said purpose, and you are to appoint a time and place of hearing, and notify said petitioners and district thereof, to examine said location, and hear the said parties, and make report to us thereon.

Given under our hands at N., this second day of May, 1853.

A. B. }  
C. D. } Selectmen of N.—  
E. F. }

**18. The FORM OF THE NOTICE thereon may be :**

*To School District No. 3, in the Town of N., and to all persons aggrieved by the location of the School-house in said District.*

Whereas we, the subscribers, have been appointed by the selectmen of said town, upon the application of three or more legal voters in said district, aggrieved by the location of the school-house therein, a committee to examine and report thereon; you are hereby notified that we shall meet for said purpose at the school-house in said district, on the tenth day of May instant, at nine o'clock in the forenoon, when and where you may attend, and you shall be heard.

Given under our hands this second day of May, 1853.

L. B. }  
J. N. } Committee.  
T. S. }

Two such notices should be made by the committee, one for the district and the other for the petitioners, and should be served by giving the originals and keeping a copy, upon which a return and affidavit may be made as in other cases.

**19. At the time and place appointed, the committee should attend, examine the location of the house and the situation of the district, hear all the evidence offered, and make a written report to the selectmen, which should be annexed to their appointment. The FORM may be thus :**

The subscribers, by virtue of the commission hereto annexed, appointed by the selectmen of the town of N. a committee to examine the location of the school-house in school district No. 3, in said town, and report whether the legal voters in said district are aggrieved thereby, having appointed the tenth day of May, 1853, at nine o'clock in the forenoon, at the school-house in said district, as the time and place of hearing thereon; and having caused the petitioners and also said district to be duly notified thereof, and having carefully examined said location, and the situation of said district, and heard all the evidence and arguments offered by both parties, and attentively considered the same, are of the opinion that said location ought not to be changed, and that said petitioners are not aggrieved thereby. And we further order that the costs of this hearing, taxed at —, be paid by the petitioners. Witness our hands, this tenth day of May, 1853.

L. B.  
J. N.  
T. S. } Committee.

The petition, appointment, notice, return of service, affidavit and report of committee, should be all recorded in the books of the town by the town-clerk, and attested by him.

20. The proceedings under section 5 are similar to those under section 2, and the forms above given for the latter may be easily changed, so as to be adapted to the former.

21. The FORM OF A PETITION to lay out a school-house lot may be :

*To the Selectmen of the Town of N.*

The subscribers, legal voters of school district No. 3, in said town, respectfully represent that said district, by a vote at a meeting legally called for that purpose, designated as a spot whereon to set their school-house a lot of land in said district, owned by T. G., and bounded thus: [Here insert the boundaries;] but the said T. G. refuses to sell said lot for a reasonable price: We therefore request you to lay out said lot, not exceeding one-half of an acre, for the purpose of a school-house lot for said district, and to appraise the damages to the owner thereof, and to cause a record thereof to be made, according to the law in such cases made and provided.

L. B.  
S. C., &c. &c.

*N—, May 2, 1853.*

**22. The FORM OF THE NOTICE** on such petition may be :

Upon the foregoing petition it is ordered, that notice be given to the said T. G., and to said school district No. 3, to appear at the house of N. R., in said N., on Wednesday, the eighteenth day of May instant, at nine o'clock in the forenoon, and shew cause, if any they have, why the request of said petitioners should not be granted, by giving to said T. G. and to the clerk of said district in hand, or leaving at the usual place of abode of each, a true and attested copy of said petition and this order thereon, at least fourteen days previous to the said eighteenth day of May.

Given under our hands this second day of May, 1853.

A. B. }  
C. D. } Selectmen of N.—.  
E. F. }

The certificate that notice has been duly given, and the affidavit thereof, should be made on the back of the order, as set forth in *chs.* 1 and 2.

The selectmen having met at the time and place appointed, and having heard the parties, and their evidence and arguments, if they find the statements in the petition to be sustained, may lay out the lot or a part of it, "not exceeding one-half of an acre, and appraise the damages to the owner." The FORM of the laying out may be as follows :

Upon the foregoing petition the subscribers, selectmen of the town of N., having caused notice to be given as aforesaid to T. G., the owner of the land hereinafter mentioned, and to school district No. 3, in said town, to appear at the house of N. R., in said N., on Wednesday, the eighteenth day of May, 1853, at nine o'clock in the forenoon, to shew cause, if any they had, why the request of said petition should not be granted ; and having met at said time and place, and fully heard all persons who chose to attend and be heard, as well in regard to laying out said lot as to the damages to be awarded therefor, and having carefully considered said petition, and being satisfied that said school district No. 3 in said town did legally designate the lot described in said petition as and for a school-house lot for said district, and that said T. G., the owner thereof, refused to sell the same to said district for a reasonable price : We are of the opinion that said lot ought to be laid out, for the purpose of a school-house lot for said district,

and do hereby for said purpose lay out the same, to be bounded thus: [Here insert the boundaries of the lot taken.] And we appraise the damages to the said T. G. of taking said lot as aforesaid at the sum of — dollars, which is to be paid by said district.

Given under our hands at N., this eighteenth day of May, in the year eighteen hundred fifty-three.

A. B. }  
C. D. } Selectmen of N.—.  
E. F. }

The petition, order of notice, affidavits and return of laying out, should be recorded by the town-clerk, as in the case of a record of laying out a highway.

23. A vote by a school district "to raise a sum of money sufficient to remove the school-house in this district, and to purchase land to set the school-house upon," is legal, and after *this sum* is ascertained, by removing the school-house and purchasing the lot, the selectmen may assess it; but not until it is so ascertained. The safer course, however, is to raise a specific sum. 3 *N. H. R.* 292.

24. The direction in the statutes requiring selectmen to assess a school-house tax within *thirty* days after notice, is merely directory; the assessment will be legal if made after that time—3 *N. H. R.* 328. And need not be made by the selectmen who were in office when the vote was passed—3 *Mass. R.* 231. The selectmen are to limit the time for collecting and paying in the money voted, not the district—*Ibid.* If the selectmen to whom the certificate of such tax is given, neglect to assess it, or assess it informally, upon a new certificate their successors may assess it; no new vote is needed—*Ibid.*; and if the selectmen make an erroneous assessment, they may revoke it and make a new one. *Ibid.*

A school district, after having voted to raise money, may, at a legal meeting called for the purpose, rescind the vote; and the selectmen, upon receiving notice of such vote to rescind, by a certified copy, will have no power after such notice to make an assessment or to issue a warrant to collect it. 3 *Mass. R.* 233.

25. If a district has a sufficient school-house, a vote to build another will be illegal. 3 *Fairfield R.* 258.

See sec. 14, and 15, of this chapter, as to the proceedings in relation to building two school-houses.

26. In Massachusetts a town had no power to destroy a district without its consent, or so far to alter its limits as to effect the same object; nor to annul or impair any contract made by the district, but only to alter limits as necessity requires. *5 Pick. R. 323.* In New-Hampshire it would seem a public corporation may be modified or destroyed without their consent. See *3 N. H. R. 532*; and now it is so in Massachusetts. *23 Pick. R. 62.*

## CHAPTER 4.

### OF SCHOOL TAXES AND SCHOOL MONEY.

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| 1. School tax, how assessed.<br>2. Town may raise more.<br>3. School money appropriated.<br>4. School money, how assigned.<br>5. Neglect of selectmen, penalty.<br>6. Neglect of prudential committee to expend, penalty.<br>7. School, where to be kept.<br>8. Towns, when exempted, how far.<br>9. Literary fund distributed.<br>10. Unincorporated places, duty.<br>11. How to be appropriated. | 12. Misappropriation, penalty.<br>13. Railroad tax distributed.<br>14. District may hold property.<br>15. School tax, how assessed.<br>16. Money belongs to selectmen.<br>17. Selectmen not liable to teachers.<br>18. Selectmen liable for not assessing, &c.<br>19. Liability, on removal, to be taxed.<br>20. The same. |
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1. The selectmen of each town shall assess annually upon the polls and ratable estate by law taxable therein, a sum to be computed at the rate of one hundred and fifty dollars for every dollar of the public taxes appropriated to such town, and so for a greater or less sum. *R. S. ch. 72, sec. 1; amended by laws 1853, ch. 1436.*

2\*. The town, at any legal meeting for the purpose, may raise a sum exceeding the sum aforesaid, which shall be assessed in the same manner. *R. S. ch. 72, sec. 2; C. S. ch. 76, sec. 2.* See *ch. 9, sec. 8, post.*

3. Such sum when collected shall be appropriated to the

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\* There is an error in the printing of the second section in the compilation of the statutes, which will be readily corrected by comparing it with the corresponding section of the Revised Statutes.

sole purpose of keeping an English school or schools within such town, for teaching reading, writing, English grammar, arithmetic, geography, together with such other branches of English education as are adapted to the advancement of the school, including the purchase of necessary fuel for the school, and occasional repairs, as specified in this Title. *Ibid.*, sec. 3. See *ch. 2, sec. 8.*

4. The selectmen shall assign to each district a proportion of the money thus assessed, according to the valuation of the district for the year, or in such other manner as the town at the annual meeting shall direct, and shall pay over the same to the prudential committee of the district. *Ibid.*, sec. 4.

The district may require the prudential committee to give bond for the faithful discharge of his duties; and it would be prudent so to do, to avoid losses, especially if the district has a school fund.

It shall be the duty of the selectmen in all cases when the guardian and ward reside in the same town, to assign the tax assessed upon the ward's personal property to the school district in which the ward lives and has his home. *Laws of 1852, ch. 1308; C. S. ch. 76, sec. 5.*

5. If the selectmen of any town neglect to assess or assign, or pay over the school money as aforesaid, they shall forfeit and pay for each neglect a sum equal to that so neglected to be assessed, or assigned, or paid over, which shall be for the use of the district aggrieved thereby, and may be recovered by action of debt in the name of such district, by the prudential committee. *R. S. ch. 72, sec. 5; C. S. ch. 76, sec. 6.*

6. If the money so assigned and paid over to the prudential committee of any district shall be by him not expended according to law, he shall forfeit for each offence a sum not less than the sum so unexpended or not expended legally, and not exceeding twice said sum, to be recovered by indictment, or by information, the cost to be paid to the county treasurer, and the penalty to be paid to the selectmen, for the use of the district. *R. S. ch. 72, sec. 6; C. S. ch. 76, sec. 7.*

7. It shall be unlawful to keep the district school in any other place than in the school-house belonging to the district, unless there be no school-house, or the school-house be out of repair, or not of sufficient size to accommodate the school; in which cases the prudential committee may, with the consent and approbation of the selectmen, provide suitable rooms and

conveniences for the use of the school, at the expense of the district. *R. S. ch. 32, sec. 7; C. S. ch. 76, sec. 8.*

8. The town of Portsmouth, and such other towns as legally adopt the provisions of the chapter of this Title made for the town of Portsmouth, are exempted from the operation of the foregoing provisions, so far as the same relate to the mode of appropriation and expenditure of said school money. *R. S. ch. 72, sec. 8; C. S. ch. 76, sec. 9.*

9. Every banking corporation in the State shall pay into the treasury, on or before the second Wednesday of June, annually, one half of one per cent. on the amount of the capital stock of the bank at that time, for a literary fund; and the treasurer shall assign and distribute, in the month of June annually, all sums so received by him, among the several towns and places in the State, according to the number of scholars of such towns and places, not less than four years of age, who shall by the report of the superintending school committee of the several towns and places returned to the secretary of State for the year preceding, appear to have attended the district common schools in such towns and places for a time not less than two weeks within that year. *R. S. ch. 75, secs. 1, 4; laws of 1848, ch. 738; C. S. ch. 85, secs. 1, 4.*

The treasurer of the State shall now distribute the literary fund assigned to the unincorporated places in the county of Coös, among the several towns in said county as now provided by law, and in the month of June annually hereafter, for the use of common schools, except what belongs to the Second College Grant and Wentworth's Location, which shall be paid to the prudential committee or agent of said Second College Grant or Wentworth's Location, when duly authorized by the inhabitants therein, which shall be applied to the maintenance of common schools. *Laws of 1850, ch. 982; C. S. ch. 85, sec. 8.*

10. No unincorporated place shall receive such proportion until a treasurer or school agent shall have been chosen to receive and appropriate the same. *R. S. ch. 75, sec. 5; C. S. ch. 85, sec. 5.*

The proper evidence of the choice of an agent is a copy of the record of the town meeting at which he was chosen, certified and attested by the town-clerk.

11. The money received by any town or place as aforesaid, shall be applied to the maintenance of common schools, or to

other purposes of education, in addition to the sums required to be raised by law, and in such manner as the town shall direct. *R. S. ch. 75, sec. 6; C. S. ch. 85, sec. 6.*

12. If any town, or incorporated place, or the agent of any unincorporated place, shall apply any sum of money so received to any other purpose than as aforesaid, the town, place or agent so offending shall forfeit and pay double the sum so misapplied, to be recovered by indictment for the use of the county. *Ibid., sec. 7.*

13. The tax upon the stock of railroad corporations, paid from the State treasury to the towns in which the stockholders live, is required "to be by the selectmen of the towns receiving the same (not by the town,) appropriated in just proportions to the several purposes for which taxes are assessed upon the polls and estates of such stockholders within such town." The selectmen should therefore appropriate a "just" share of such sum to the support of schools.

14. A district being now a corporation, may take and hold property for the benefit of the school in the district. A gift of property to a district, the interest to be expended for the benefit of the school in addition to the school money, would be as useful an appropriation as a wealthy and patriotic man could desire.

15. All taxes for the year, except school-house taxes, are required to be assessed upon the invoice made in April—*R. S. ch. 43, sec. 1; C. S. ch. 45, sec. 1*—and no provision is made for taking an invoice at any other time. In making any assessment of a tax relating to school-houses, particular attention should be paid to the new provisions in *ch. 3, secs. 11, 12, 13.*

16. The school money assessed by the selectmen is not the money of the town, but of the selectmen, they being personally responsible for its proper appropriation; and so also is the money above what is required by law which is voted to be raised by the town. Even in the hands of the town treasurer, it is the money of the selectmen and not of the town. *3 N. H. R. 57.* But if paid over to the district it ceases to be the property of the selectmen. *Ibid.*

17. The selectmen are not liable for the wages of a teacher, if he is employed by the agent of the district; and the district is liable if the agent has acted legally. *10 N. H. R. 96.*

18. If the selectmen refuse to assess, or to pay over the

money assessed, they will be liable to an action by the district, but not to the agent or committee of the district. 10 *N. H. R.* 72.

19. If a person remove from a district with a part of his family, for temporary purposes, with an intention of returning, he is still liable to taxation as an inhabitant of the district. 11 *N. H. R.* 48. For further references and explanations as to who is liable to be taxed, see *ch. 40, R. S.*

20. If, after a tax has been raised and assessed on the inhabitants of a school district, a part of the district is set off into another district, the inhabitants of such part remain liable to pay the tax, the debt being fixed by the assessment. 5 *Pick. R.* 323. If a person has moved into the district after the invoice in April is taken, it is doubtful whether he is liable for a tax voted by the district, although he was an inhabitant when the vote to raise the money was passed—*Ibid.*; and it is also probable that he is not liable, if he has removed from the district and ceased to be an inhabitant before such vote was passed—11 *N. H. R.* 48—if the tax is assessed on the invoice taken in April. But if the tax is assessed upon a new invoice after the first of July, all inhabitants are liable.

## CHAPTER 5.

### OF THE REGULATION, INSTRUCTION AND INSPECTION OF SCHOOLS.

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| 1. Superintending committee, how appointed.<br>2. Duties of such committee.<br>3. Teachers unfit, dismissed.<br>4. Unruly scholars dismissed.<br>5. Penalty for disturbing school.<br>6. Inspection of schools not to be dispensed with.<br>7. Scholars may be classified.<br>8. Where scholars may attend.<br>9. Masters to be examined.<br>10. Mistresses to be examined. | 11. Teacher not to be paid, unless.<br>12. When districts unite, teacher may procure certificate of committee in either town.<br>13. Class books, how determined.<br>14. Sectarian books prohibited.<br>15. Poor children, how furnished.<br>16. Report of superintending committee, how made.<br>17. Compensation of committee.<br>18. Superintending committee, when paid. |
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| 19. Teachers, when paid, to report.<br>20. Virtues to be inculcated.<br>21. Children under fifteen un instructed.<br>22. Children under twelve. | 23. Penalty for employing in factories.<br>24. Dismissal of teacher, forms.<br>25. Certificate of qualifications, form.<br>26. School report, form. |
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1. Each town shall annually in the month of March, elect by ballot a superintending school committee, consisting of one or three persons, as the towns may elect, and whenever any town shall neglect to choose such committee as aforesaid, the selectmen shall, before the twentieth of April, appoint said committee. *R. S. ch. 73, sec. 1; amended by laws of 1851, ch. 1129; C. S. ch. 77, sec. 1.*

The FORM OF APPOINTMENT by the selectmen may be similar to the appointment of *clerk*—*ch. 2, sec. 28*—and the appointment should be recorded by the clerk.

This is a new provision. The committee must be elected *by ballot*, and must take the oath of office, like other town officers.

2. It shall be the duty of said committee to examine every person proposing to teach any district school in such town; to visit and inspect every school, at least twice in each year; to inquire into the regulation and discipline thereof, and suggest any necessary alterations; to examine the proficiency of the scholars, and to use their influence that all the youth of each district attend and profit by the school therein. *R. S. ch. 73, sec. 2; C. S. ch. 77, sec. 2.*

3. The superintending school committee, upon petition of a majority of the legal voters in any district, for the dismissal of a teacher, shall appoint a time and place of hearing, and notify the parties of said time and place, by causing a notice thereof in writing, signed by at least two of said committee, to be given to the teacher personally, and a like notice to be posted on the school-house at least twenty-four hours before said time of hearing; and after such hearing, shall have power to dismiss the teacher, or not, as in their judgment will best promote the interest of the district; and they shall dismiss every teacher who is unfit to teach, notwithstanding a certificate has been given; and such teacher shall be entitled to compensation until such dismissal, but no longer. *Laws of 1845, ch. 225; C. S. ch. 77, sec. 3.*

4. Such committee may, upon application of the teacher or

any inhabitant of the district, dismiss any scholar from the school who will not conform to the reasonable regulations of the school; and it shall be unlawful for such scholar to return to or remain in said school until restored by the teacher or by the superintending school committee. *R. S. ch. 73, sec. 4; C. S. ch. 77, sec. 4.*

5. If any person who shall have been dismissed from any school by the superintending school committee, agreeably to the provisions of the fourth section of this chapter, shall attend said school or visit the same, or in any way interrupt or disturb the same, (unless he shall have been first restored by the committee,) he shall for the first offence forfeit the sum of five dollars, and for the second offence he shall forfeit the sum of ten dollars, and for the third offence he shall be imprisoned in the county jail, for a term not less than ten days nor more than thirty days. *Laws 1849, ch. 854; C. S. ch. 77, sec. 5.*

6. Towns cannot dispense with the services of the superintending school committee in relation to the examination of schools. See *Statutes, 1846, ch. 317, sec. 3; C. S. ch. 77, secs. 18, 19; secs. 16, 17, of this ch.*

7. When the number of scholars in any district amounts to fifty or more, such district, at a meeting legally holden for that purpose, by a vote of three-fourths of the legal voters present may divide said scholars into two or more divisions, according to age or acquirements, or both, and may direct under what teacher each division shall be instructed; and when any school district in this State shall neglect or refuse to divide the scholars as aforesaid, the superintending school committee of said town shall, on the petition of ten or more legal voters in said district, divide said scholars as aforesaid, if in their opinion it is necessary. *R. S. ch. 73, sec. 6, amended by laws of 1850, ch. 983; C. S. ch. 77, sec. 6.*

In order that it may appear on the records that the vote was adopted by a majority of *three-fourths*, the whole number of "legal voters present" should be ascertained and recorded by the clerk, and also the number of persons voting in favor. The RECORD may be thus :

*Voted, That the scholars in this district be divided into three divisions, according to their acquirements, each division to be under the care of one teacher, and that the prudential committee make such division and classification; the whole*

number of legal voters of the district present being forty, and thirty of said voters having voted in favor of such division.

8. No person shall have a right to send to, or receive any benefit from any school in a district in which he is not a resident, without the consent of such district. *Ibid.*, sec. 7.

9. No person shall be employed as a school master unless he is a citizen of the United States, and shall produce a certificate from the superintending school committee of the town where such school is to be kept, that he is well qualified to instruct youth in the various branches required to be taught in an English school in this State, and produce satisfactory evidence of his good moral character. *Ibid.*, sec. 8.

10. No person shall be employed as a school mistress unless she shall produce a certificate from the superintending school committee of the town where the school is to be kept, that she is suitably qualified to teach the English language grammatically, and the rudiments of arithmetic and geography, and shall produce satisfactory evidence of her good moral character. *Ibid.*, sec. 9.

11. The district shall be liable for the wages of the teacher and for all contracts lawfully made by the prudential committee; but no person shall receive any compensation for teaching a district school, without producing to the prudential committee the certificate by this chapter required. *Ibid.*, sec. 10.

12. Whenever two or more school districts in different towns are united for the purpose of schooling, it shall be competent for the teacher to procure the certificate of the superintending school committee of either town. *Laws of 1851*, ch. 1117; *C. S. ch. 77*, sec. 11.

13. The superintending school committee shall determine and direct the class books to be used in the district schools of the town; and the parents, masters or guardians of the scholars attending such schools shall supply said scholars with the books so directed to be used. *R. S. ch. 73*, sec. 11; *C. S. ch. 77*, sec. 12.

14. No book shall be directed to be used as a school book which is calculated to favor any particular religious or political sect or tenet. *R. S. ch. 73*, sec. 12; *C. S. ch. 77*, sec. 13.

15. If any poor child attending any district school is destitute of the necessary class books, the selectmen shall provide such books at the expense of the town, upon application therefor. *R. S. ch. 73*, sec. 13; *C. S. ch. 77*, sec. 14.

Whenever it shall come to the knowledge of the superintending school committee of any town, or to the knowledge of the mayor and aldermen of any city in this State, that any child attending any district school is destitute of the necessary text books, and is poor and unable to procure the same, it shall be the duty of said committee of any town, and the mayor and aldermen of any city in this State, to furnish the same forthwith at the expense of said town or city. *Laws of 1852, ch. 1229, as amended by laws of 1852, ch. 1304; C. S. ch. 77, sec. 15.*

16. The superintending school committee shall make out annually a report, and present the same to the town at its annual meeting, stating the number of weeks which the public schools have been kept in each district in summer and in winter, and what portion thereof has been kept by male and what portion by female teachers; the whole number of scholars that have attended each school; the progress made in each school in the various branches of learning; the number of children between the ages of four and fourteen years, in each district, that have not attended school therein; and the number of persons in each district between the ages of fourteen and twenty-one years who cannot read and write, with such suggestions as may be useful upon the management of schools, and the subject of education. *R. S. ch. 73, sec. 14; C. S. ch. 77, sec. 16.*

The superintending school committee are also required to make a report to the secretary of State. See *ch. 9, sec. 3.*

17. Such committee shall receive from the town a reasonable compensation for all services required by law to be performed by them. *R. S. ch. 73, sec. 15; C. S. ch. 77, sec. 17.*

18. The superintending school committee shall receive no compensation for their services, until they shall have satisfied the selectmen that they have attended to the duties, and made the reports by law required of them; and no prudential committee shall be authorized to receive the school money from the selectmen, until such committee shall have caused to be presented to the selectmen the certificates required by law in reference to the qualifications of the teachers by him employed. *Laws 1846, ch. 317; C. S. ch. 77, sec. 18.*

19. It shall be the duty of every teacher of a public school to make at the close thereof a report to the superintending committee of the town, of the number of scholars, male and female, that have attended, the branches of learning taught,

and the progress made. And no teacher shall be entitled to pay for his services until this provision has been complied with. *Laws 1846, ch. 317; C. S. ch. 77, sec. 19.*

20. It shall be the duty of all persons entrusted with or engaged in the instruction of the young, diligently to impress upon their minds the principles of piety and justice, a sacred regard to truth, love of country, humanity and benevolence; sobriety, industry and frugality; chastity, moderation and temperance; and all other virtues which are the ornament and support of human society, and to endeavor to lead them into a particular understanding of the tendency of all such virtues to preserve and perfect a republican form of government, to secure the blessings of liberty and to promote their future happiness, and the tendency of the opposite vices to degradation, ruin and slavery. *R. S. ch. 73, sec. 16; C. S. ch. 77, sec. 20.*

21. No child under the age of fifteen years shall be employed to labor in any manufacturing establishment, unless such child shall have attended some academy, high school, or public or private day school where instruction is given by a teacher competent to instruct in the branches usually taught in district schools, at least twelve weeks during the year next preceding the time when such child shall be so employed. *Laws 1848, ch. 622; C. S. ch. 84, sec. 1.*

22. No child under the age of twelve years shall be employed as aforesaid unless such child shall have attended some academy or school as aforesaid, at least six months during the year next preceding the time when said child shall be so employed: *provided, however,* that in case such child, when not prevented by sickness, shall have attended the district school in the district where such child had its residence during the whole time such school was kept in the district during said year, such child may be employed as aforesaid, in the same manner as if the child had attended an academy or school as aforesaid for the full term of six months. *Laws 1848, ch. 622; C. S. ch. 84, sec. 2.*

23. The owner, agent or superintendent of any manufacturing establishment who shall employ any child to labor in such establishment, unless a certificate is lodged with the agent or clerk thereof, signed by the teacher under whose charge such instruction was received, or by the prudential committee of the district in which such child attended school as aforesaid, certifying that said child has attended school as provided by

the first and second sections of this chapter, shall forfeit and pay the sum of fifty dollars for each offence, to be recovered by indictment to the use of the complainant. *Laws 1848, sec. 3; C. S. ch. 84, sec. 3.*

24. The FORM OF A PETITION to dismiss a teacher may be thus :

*To the Superintending School Committee of the Town of N.*

We, the subscribers, a majority of all the legal voters in school district No. 3, in said town, respectfully request you forthwith to dismiss R. M., a teacher of the school in said district, as he is in our opinion not qualified to teach the same.

A. B.

*N—, December 6, 1852.*

C. D., &c. &c.

The ORDER OF NOTICE may be as follows :

Upon the foregoing application, it is ordered that a hearing be had thereon at the dwelling-house of A. B., in N., on the eighth day of December instant, at two of the clock in the afternoon, and that notice thereof be given to the parties, by giving to the said R. M. in hand an attested copy of the said application and of this order, and by posting up a like notice on the school-house in said district, at least twenty-four hours before said time of hearing.

A. B. } *Superintending*  
C. D. } *School Com-*  
E. F. } *mittee of N—.*

*December 6, 1852.*

The copies should be attested thus :

A true copy.

Attest:

A. B. } *Superintending*  
C. D. } *School Com-*  
E. F. } *mittee of N—.*

The AFFIDAVIT OF SERVICE may be as follows :

I certify that on the sixth day of December, 1852, at seven o'clock in the afternoon, I gave in hand to said R. M. a copy of the within application and order of notice, attested by said superintending school committee, and on the same day, at

eight o'clock in the afternoon, I posted up a like copy on the school-house in said district. J. S.

HILLSBOROUGH SS., Dec. 8, 1852. Personally appeared J. S. and made oath that the above certificate by him signed is true. Before me,

J. P., *Justice of the Peace.*

The ORDER OF DISMISSAL on such petition may be thus :

*To R. M., a Teacher of the District School in School District No. 3, in the Town of N.*

Whereas the majority of the legal voters in said district have petitioned us to dismiss you from your said situation, and, after due notice and hearing the parties, it is our judgment that it will best promote the interest of the district that you should be dismissed from said school; we do therefore dismiss you therefrom, and you will take notice that from and after the day on which you receive this notice your employment as a teacher in said school will cease.

G. H. } Superintending  
L. C. B. } School Com-  
E. S. } mittee of N—.

N—, December 8, 1852.

The FORM OF A DISMISSAL for unfitness may be thus :

*To R. M., a Teacher of the School in School District No. 3, in the Town of N.*

Whereas we have made examination of said school, and of its management and instruction, and are satisfied that the scholars do not make suitable progress in their studies, and that you do not possess the requisite qualifications for a useful teacher of said school, you will therefore take notice, that from and after the day on which you receive this notice your employment as a teacher in said school is at an end.

L. C. B. } Superintending  
D. D. P. } School Com-  
E. S. } mittee of N—.

N—, December 8, 1852.

23. The FORM OF A CERTIFICATE OF QUALIFICATIONS may be :

To whom it may concern: This certifies that we have examined A. B., in respect to his qualifications to teach the various branches required to be taught by a schoolmaster (or mistress) in the district schools in this State, and are of opinion that he is qualified according to law.

Witness our hands this      day of      , 1852.

L. C. B. } Superintending  
D. D. P. } School Com-  
E. S.      } mittee of N—.

The FORM OF A CERTIFICATE OF CHARACTER may be thus:

To whom it may concern: This certifies that we have been acquainted with the bearer, A. B., of this town, and that said A. B. is a person of good moral character.

N. B., L. H., &c.

24. The superintending committee, in making their annual report, will find it convenient to make a table, as a part of the report, something in the following form :

No. of District.	Term of School Summer and Winter.	Names of Teachers.			Number of persons between 14 and 21 years, unable to read and write.	Whole number of scholars in district.
		Number who have attended school.	Number between 4 and 14 years, who have not attended school.	Number of weeks length of school.		
1	1st.	Miss S. A. C.	16	13	27	40
	2d.	Mr. R. K.	12	0	40	
2	1st.	Miss C. R. G.	16	0	45	45
	2d.	Mr. W. W.	9	0	36	

Other columns may be added, as, amount of money assigned to each district, wages of teachers, number of males and females attending school, average attendance, number in each class, books, &c., &c.

**CHAPTER 6.****OF HIGH SCHOOLS.**

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| <ol style="list-style-type: none"> <li>1. Districts may unite and form high schools.</li> <li>2. United districts made corporations.</li> <li>3. Officers, how appointed.</li> <li>4. Powers of associated districts.</li> <li>5. School money, how assigned.</li> <li>6. What branches of education to be taught.</li> <li>7. Associated districts may raise money.</li> <li>8. Act not in force unless adopted by the town.</li> <li>9. Any school district may adopt the Somersworth act.</li> </ol> | <ol style="list-style-type: none"> <li>10. Superintending school committee, how appointed.</li> <li>11. Districts containing 100 scholars may maintain high schools.</li> <li>12. School meetings to be held in March.</li> <li>13. Manner of calling meetings.</li> <li>14. If prudential committee neglect.</li> <li>15. District of 100 scholars may adopt chapter 81.</li> <li>16. Selectmen to assess taxes.</li> <li>17. Selectmen to lay out land for school-house.</li> </ol> |
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**OF HIGH SCHOOLS IN THE TOWN OF SOMERSWORTH.**

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| <ol style="list-style-type: none"> <li>18. Selectmen to appoint superintending school committee.</li> <li>19. Powers and duties of said committee.</li> <li>20. High schools may be established.</li> <li>21. S. S. committee to divide scholars into classes, and prescribe their qualifications.</li> </ol> | <ol style="list-style-type: none"> <li>22. District may purchase land.</li> <li>23. District may hire money.</li> <li>24. General laws relating to schools, inconsistent with this act, not in force in district.</li> <li>25. Time act takes effect.</li> </ol> |
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1. Any two or more contiguous school districts, in any town or towns in this State, may associate together and form a union, for the purpose of establishing and maintaining a high school or high schools, for the instruction of the older and more advanced scholars belonging to the several associated districts; but no vote of any district to associate with another, or others, shall be valid, unless passed by two thirds of the voters present, at a legal meeting called and holden for the purpose. *Statutes 1845, ch. 220, sec. 1; C. S. ch. 79, sec. 1.*

2. When a union shall have been so formed, the associated districts shall be a body politic and corporate, under the name of the high school associated districts of —, (the town in which they may be,) and shall have, possess and enjoy all the powers and privileges conferred, and be subject to all the

duties and liabilities imposed on school districts by the general laws of the State, except as is herein otherwise provided; and all laws in relation to calling meetings in school districts, and the officers thereof, and their duties, shall be taken and deemed to be applicable to calling meetings in high school associated districts, and to choosing officers thereof, and their duties, except as herein otherwise provided. *Ibid.*, sec. 2.

3. The officers of high school associated districts shall be a moderator, clerk, and prudential committee. The several prudential committees of the districts so associated shall be members of and constitute the prudential committee of the high school associated districts; but if in any district the prudential committee shall consist of more than one person, then the chairman only of such committee shall be a member of the prudential committee of the high school associated districts. Said last mentioned committee shall have power to determine the age and qualifications of the scholars who may attend the high school or high schools, employ teachers, and make rules and regulations for the studies and discipline of such school or schools, which shall not, however, be in force until approved by the superintending school committee of the town. *Ibid.*, sec. 3.

4. All high school associated districts shall have power to purchase land for building school-houses thereon; to build school-houses and other necessary buildings; to remove, alter, repair and furnish the same; to hire school-houses, or other buildings or rooms, for keeping a high school or high schools therein, and to raise money for the several purposes aforesaid. And the mode, directed by the laws in force to be pursued to raise and collect money in school districts for building school-houses, shall be pursued in raising and collecting money for the above purposes in high school associated districts. *Ibid.*, sec. 4.

5. A portion of the school money assigned by the selectmen to each of the several districts so associated, not exceeding one fourth part of the same, shall be appropriated to the maintenance of said high school or high schools, and shall be paid to the prudential committee of the high school associated districts. And said committee, in conjunction with the superintending school committee of the town, shall annually determine what portion of said school money shall be so appropriated and paid, which determination shall be in writing and recorded. *Ibid.*, sec. 5.

6. The teacher of every high school shall be competent to instruct in all the branches of English education prescribed to be taught in common schools, and shall be also competent to teach history, philosophy, chemistry, botany, book-keeping, surveying, geometry, algebra, rhetoric and logic, all which branches, and also the ancient and modern languages, may be taught in such high schools. *Ibid.*, sec. 6.

7. The said high school associated districts may raise money to be appropriated exclusively to paying, in part, the salaries of the teachers of the high schools therein, the same proceedings being had which are prescribed by law for raising and collecting money to build school-houses; but no vote to raise money for that purpose shall be valid unless passed by two thirds of the voters present. *Ibid.*, sec. 7.

8. This act (the seven preceding sections) shall apply to such towns only as at any meeting, duly notified and held for that purpose, shall have adopted its provisions; an article being inserted for that purpose in the warrant for said meeting. *Laws of 1845, ch. 220, sec. 8, amended by laws of 1852, ch. 1231; C. S. ch. 79, sec. 8.*

The forms of votes, &c., for the purpose of uniting two or more districts, will appear sufficiently by reference to chapter 1, section 16.

9. The provisions of the act passed June nineteenth, A. D. eighteen hundred and forty-eight, entitled an act relating to school district number three, in Somersworth, (chapter eighty-one of the comp. statutes,) are hereby extended and made applicable to all school districts which may adopt said act at legal meetings held for that purpose, and all the authority and power given in and by the said act to school district number three in Somersworth, are hereby conferred upon any school district which may adopt the same. *Laws of 1848, ch. 718, sec. 1; C. S. ch. 79, sec. 9.*

10. Any school district which may adopt the said act, (chapter eighty-one of the comp. statutes,) may elect their own superintending committee at any legal meeting held for that purpose in the month of March annually, and in case such committee shall not be chosen by the district, then the selectmen of the town in which such district may be located, shall appoint a special superintending school committee for said district. *Laws of 1848, ch. 718, sec. 2; C. S. ch. 79, sec. 10.*

11. When the number of scholars in any school district

shall exceed one hundred, such district may vote to keep such high school or schools therein as the interests of education may require. This act (this section) shall not be so construed as to limit or impair the powers conferred on school districts by an act entitled "an act to empower school districts to establish and maintain high schools," approved Dec. 19, 1848. *Sections 9 and 10 of this chapter. Laws of 1848, ch. 729, secs. 3 and 4; C. S. ch. 79, sec. 11.*

12. In those towns which have adopted or shall adopt the provisions of chapter seventy-four of the revised statutes, in relation to schools in the town of Portsmouth, (the three first and eleven last sections of chapter eighty of the compiled statutes,) there shall be in each school district a meeting of the inhabitants of said district, qualified to vote in town affairs, holden annually in the month of March, for the choice of school committee, and to transact the other business of said district; and the prudential committee of said district shall issue their warrant, stating the time, place and purposes of such meeting, directed to one of the constables of said town, requiring him to notify said meeting. *Laws of 1846, ch. 320, sec. 1; C. S. ch. 79, sec. 12.*

13. The constable to whom said warrant is directed shall notify said meeting by posting up a copy of said warrant, attested by himself, at least seven days prior to said meeting, in one or more public places in said district, and shall make a return of his doings therein to the secretary of said district on the day of said meeting; and said secretary shall record the same in the records of said district. Special meetings may be called at any time in the same manner. *Laws of 1846, ch. 320, sec. 2 and 3; C. S. ch. 79, sec. 13.*

14. If the prudential committee shall neglect to warn such annual meeting on or before the fifteenth day of March, or shall neglect, for the space of ten days, after application made in writing by ten or more voters of the district, to call any such special meeting, any justice of the peace in such town, upon a like application, may call such annual or special meeting, by issuing his warrant and causing a copy thereof to be posted up, as herein before prescribed. *Laws of 1846, ch. 320, sec. 4; C. S. ch. 79, sec. 14.*

15. Any school district, having one hundred scholars or more, which has adopted or may hereafter adopt the act relating to school district number three in Somersworth (chapter

eighty-one of the comp. statutes,) shall be authorized at the annual meeting, or at any other meeting held for that purpose, to raise such sum of money as they may deem necessary for the support of a high school in such district. *Laws of 1850, ch. 989, sec. 1; C. S. ch. 79, sec. 15.*

16. It shall be the duty of the selectmen of the town in which such district is located, seasonably to assess the tax aforesaid upon the inhabitants and estates in such district, in the same manner as school-house taxes are raised, and cause the same to be collected and paid over to the prudential committee of such district. *Laws of 1850, ch. 989, sec. 2; C. S. ch. 79, sec. 16.*

17. Whenever the location for the school-house and other buildings for the use of the high school shall have been fixed upon agreeably to the provisions of the seventy-first chapter of the revised statutes (seventy-five of the comp. statutes,) and the owner of the land shall refuse to sell the same for a reasonable price, the selectmen shall have power to lay out the same, not exceeding one-half acre of land, in the manner prescribed in the seventh section of said seventy-first chapter (seventy-five of the comp. statutes.) *Laws of 1850, ch. 989, sec. 3; C. S. ch. 79, sec. 17.* For forms, &c. see ch. 2.

#### OF HIGH SCHOOLS IN THE TOWN OF SOMERSWORTH.

18. The selectmen of the town of Somersworth shall annually, on or before the twentieth day of April, appoint a superintending school committee for school district number three in said town, consisting of not less than five nor more than seven, all resident in said district, who shall hold their offices for one year and until others are appointed in their place ; and when any vacancy may occur in said committee, the same may at any time be filled by appointment by the selectmen. *Laws 1848, ch. 631, sec. 1; C. S. ch. 81, sec. 1.*

*For form of appointment, see ch. 41, sec. 1.*

19. Said committee shall choose a chairman and secretary, and shall be invested with all the powers and perform all the duties in said district that superintending school committees are authorized or required to perform in towns, by virtue of any laws now existing, or which may from time to time exist in relation to superintending committees of town schools. They may appoint sub-committees from their own board, and

prescribe their powers and duties, and may adopt by-laws for their own government and for regulating the schools in said district. *Ibid.*, sec. 2.

20. There may be kept and maintained in said district one or more high schools, in which may be taught all the branches usually taught in English grammar schools, and such additional branches as the superintending committee may direct; and the teachers of such high schools shall be qualified to instruct youth in the various branches required to be taught in English grammar schools, together with such additional branches as the superintending committee shall direct to be taught in such high schools. *Ibid.*, sec. 3.

21. The said superintending committee shall divide the scholars in said district into such divisions and classes, according to location or acquirements, or both, as they may consider judicious, and shall direct what school each class or division shall attend; shall prescribe the qualifications necessary for admission into the high schools, and regulate the transfer of scholars from one school to another. *Ibid.*, sec. 4.

22. Said district is hereby authorized to purchase and hold such quantity of land for school-house lots, not exceeding three acres in any one lot, and erect such school-houses thereon as may be determined on by vote of the district. *Ibid.*, sec. 5.

23. Whenever the cost of erecting any school-house shall exceed two thousand dollars, including the cost of the lot, said district may hire the excess above said two thousand dollars on the district's note, signed by the prudential committee, or any other persons or committee authorized by vote of said district; and the sum so hired, with interest thereon, may be assessed and collected in future years, as said district may by vote determine. *Ibid.*, sec. 6.

24. Any provision contained in the general laws of this State relating to schools, which may be inconsistent with the provisions of this act, shall not be in force in said district after the time when this act shall take effect therein. *Ibid.*, sec. 7.

25. This act shall be in force from its passage, but shall not take effect in said district until adopted by a vote thereof, at a meeting called for that purpose. *Ibid.*, sec. 8.

## CHAPTER 7.

### OF TRUANT CHILDREN AND ABSENTEES FROM SCHOOL.

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| <p>1. Towns empowered to make all needful arrangements in relation to truants, &amp;c.; powers described.</p> <p>2. Officers, how appointed; duties defined.</p> <p>3. Minors between the ages of six and sixteen may be committed to house of instruction, reformation, or other place, &amp;c.</p> | <p>4. Minors unable to pay fine may be discharged in certain cases.</p> <p>5. Fine may be remitted by giving bond to attend school, paying costs, &amp;c.</p> <p>6. Act to be in force in such towns and cities as adopt it.</p> |
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1. Each of the several cities and towns in this State be and they hereby are authorized and empowered to make all needful provisions and arrangements concerning habitual truants and children not attending school, without any regular and lawful occupation, growing up in ignorance, between the ages of six and sixteen years; and also all such ordinances and by-laws respecting such children as shall be deemed most conducive to their welfare and the good order of such city or town; and there shall be annexed to such ordinances suitable penalties, not exceeding for any one breach a fine of ten dollars: *provided*, that said ordinances and by-laws shall not be repugnant to the laws of this State. *Laws of 1852, ch. 1278, sec. 1; C. S. ch. 78, sec. 1.*

2. The several cities and towns availing themselves of the provisions of this act, may appoint, in the same manner that other officers are appointed by said city or town, three or more persons, who alone, or any one of whom, shall be authorized to make the complaints in every case of violation of said ordinances or by-laws, to the justice of the peace or other judicial officer who, by said ordinance, shall have jurisdiction of the matter, which persons, or one of them, shall alone have authority to carry into execution the judgments of said justice of the peace or other judicial officer. *Laws of 1848, ch. 1278, sec. 2; C. S. ch. 78, sec. 2.*

3. Any minor between the ages of six and sixteen years, convicted under the provisions of this act, of being an habitual

truant, or of not attending school, or of being without any regular and lawful occupation, or growing up in ignorance, may, at the discretion of the justice of the peace or judicial officer having jurisdiction of the case, instead of the fine mentioned in the first section, be committed to any said institution of instruction, house of reformation, or suitable situation as may be provided for the purpose under the authority given in said first section, for such time as such justice or judicial officer may determine, not exceeding one year. *Laws of 1848, ch. 1278, sec. 3; C. S. ch. 78, sec. 3.*

4. Any minor convicted of either of said offences, and sentenced to pay a fine, as provided in the first section, may in default of payment thereof be committed to said institution, house of reformation, or suitable situation provided as aforesaid, or to the county jail, as provided in the case of non-payment of other fines. And upon proof that said minor is unable to pay said fine, and has no parent, guardian or person chargeable with his support, able to pay the same, he may be discharged by said justice or judicial officer, whenever he shall see fit. *Laws of 1848, ch. 1278, sec. 4; C. S. ch. 78, sec. 4.*

5. If any minor, convicted of any offence mentioned in the foregoing act, shall, within twenty-four hours after said conviction and sentence, give a bond to said town or city in the penal sum of twenty-five dollars, with good and sufficient sureties, to be approved by said justice or other judicial officer before whom said minor was convicted, that he will attend some district or other school, in said town or city, for one term, that the same shall be in operation next after said conviction and sentence, that he will voluntarily comply with all the regulations of said school, and will be regular and constant in his attendance upon the same, except in case of ill health, and will at all times be obedient and respectful to the teacher, said justice or other judicial officer shall have power, upon the payment of all costs, and upon the filing of said bond as aforesaid, to remit said fine. *Laws of 1848, ch. 1278, sec. 5; C. S. ch. 78, sec. 5.*

6. This act shall take effect and be in force in such towns only as shall at some legal meeting adopt the same, and in such cities as shall by their city government adopt the same, and make such ordinances and by-laws as may be necessary to enforce its provisions. *Laws of 1848, ch. 1278, sec. 6; C. S. ch. 78, sec. 6.*

## CHAPTER 8.

## OF SCHOOLS IN THE TOWN OF PORTSMOUTH.

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| 1. High schools to be kept.<br>2. Prudential committee, choice.<br>3. Prudential committee, duty.<br>4. High school committee, what.<br>5. High school committee, duty.<br>6. Vacancies, how filled.<br>7. Reports to be made by both.<br>8. Scholars, how selected. | 9. Qualifications of teachers.<br>10. Class books, how determined.<br>11. Money, how apportioned.<br>12. Town may raise more money.<br>13. Neglect to assess, penalty.<br>14. General school laws in force.<br>15. This chapter adopted, how. |
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1. There shall be kept and maintained in the town of Portsmouth, in addition to the district schools, at least two high schools, one for males and the other for females; in which shall be taught all the branches usually taught in an English grammar school, with such additional branches as the town may direct. *R. S. ch. 74, sec. 1; C. S. ch. 80, sec. 1.*

2. The prudential committee of each district shall consist of three or more persons, to be chosen by ballot by the district, the first named of whom shall be chairman, and to hold their office until the next annual meeting, and until others are chosen and qualified in their stead. *Ibid., sec. 2.*

3. They shall perform all the duties of the superintending school committee as well as of a prudential committee, except as is hereinafter specified, and shall determine and direct what class-books shall be used in their respective district schools, which shall be furnished by the parents, master or guardian of any child attending said school. *Ibid., sec. 3.*

4. The prudential committee of the several school districts in the town of Portsmouth shall together constitute a superintending committee, of which the chairman of the prudential committee in district number two shall be chairman, and shall possess and exercise all the powers given by law to superintending school committees in other towns in this State, so far as relates to determining and directing the class-books to be used in the district schools. *Laws of 1847, ch. 497; C. S. ch. 80, sec. 4.*

5. They shall examine and contract with the teachers of the high schools, fix and pay their salaries, provide all necessary

fuel and apparatus for the schools, receive and appropriate the money assigned to such schools, regulate the admission of scholars, prescribe the class-books to be used, and transact all other business relating to the government of said schools. *R. S. ch. 74, sec. 5; C. S. ch. 80, sec. 5.*

6. If there shall be a vacancy in either of said committees, either from neglect to choose, or any other cause, the selectmen shall immediately fill such vacancy. *Ibid., sec. 6.*

7. Each prudential committee and the high school committee shall annually, on or before the first day of March, make a report of their doings to the selectmen, containing an account of their receipts and expenditures for the year, the number of schools under their control, the number of pupils of each sex belonging to each school, the average number of each sex attending school, their ages, the various branches of study taught in each school, and the number of scholars in each branch, and such other matters as may serve to present a general view of the condition of each school; and the selectmen shall lay such reports before the town at its annual meeting. *Ibid., sec. 7.*

8. Said high schools shall be for the common benefit of all the districts of said town, and each district may send an equal proportion of scholars, possessing the requisite qualifications, to each of the high schools, under such regulations as may from time to time be established by the high school committee, and this proportion shall be determined as nearly as may be by the number of pupils attending school in each district. *Ibid., sec. 8.*

9. No person shall be employed as a teacher in either of said high schools who is not qualified to teach English grammar, book-keeping, geometry, surveying, navigation, mensuration, algebra, astronomy and natural history, besides the qualifications required of teachers of district schools. The town or the high school committee may require such additional qualifications as they shall think expedient. *Ibid., sec. 9.*

10. The high school committee shall determine and direct what class-books shall be used in the several high schools, which shall be furnished by the parents, master or guardian of every child attending said schools. *Ibid., sec. 10.*

11. The selectmen shall annually assign and pay over to the high school committee such portion of the school money as they shall think sufficient for the support of said schools, or as

the town shall direct; and shall assign and pay over the balance to the several district committees, as nearly as may be in proportion to the number of scholars in each district respectively. *Ibid., sec. 11.*

12. Said town, at its annual meeting, or at any meeting called for that purpose, shall raise so much money as is necessary for erecting, enlarging, repairing, purchasing, removing or hiring school-houses and other buildings for the accommodation of schools therein, with necessary furniture and apparatus, and the selectmen shall assess such sum upon the polls and ratable estates within the town, and shall cause the same to be collected like other town taxes, and shall appropriate the same for the purposes for which it was raised. *Ibid., sec. 12.*

13. If the selectmen shall neglect to assess, collect, apportion, pay over or appropriate any sum of money in the manner prescribed by law; or if either of the committees aforesaid shall neglect so to appropriate, or shall misappropriate the same, the person so offending shall be liable to the same penalty provided in case of neglect of selectmen to assess and apportion school money. *Ibid., sec. 13.*

14. All the provisions contained in the general laws of this State relating to schools, shall be in force in the town of Portsmouth, except so far as the same are herein modified or rescinded. *Ibid., sec. 14.*

15. Any town, at its annual meeting, or at any meeting lawfully called for the purpose, may adopt the provisions of this chapter, which shall then extend and apply to such town as fully as to the town of Portsmouth. *Ibid., sec. 15.*

## CHAPTER 9.

### OF COMMISSIONERS OF COMMON SCHOOLS AND TEACHERS' INSTITUTES.

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|--|---|
| 1. County school commissioners to be appointed.                            | 10. Commissioners to be compensated for stationery, &c.                 |
| 2. County school commissioners to meet in Concord.                         | 11. Additional compensation of commissioners.                           |
| 3. Superintending school committees to make returns.                       | 12. Compensation of secretary.  |
| 4. Penalty for not making returns.   | 13. Commissioners not to act as agents for books, &c.                   |
| 5. Penalty for neglect of superintending school committee to make returns. | 14. Commissioners' services, when to commence.                          |
| 6. Duty of commissioners.  | 15. Towns may raise money to support teachers' institutes.              |
| 7. Board of education to make report.                                      | 16. Towns to appropriate three per cent.                                |
| 8. Compensation of commissioners.  | 17. Selectmen authorized to pay the same to county school commissioner. |
| 9. Salaries, when paid.  |   |

1. The governor and council shall annually appoint a commissioner of common schools in each county of this State, who shall hold his office one year from the fifteenth day of July.

*Laws of 1850, ch. 955, sec. 1; C. S. ch. 82, sec. 1.*

2. The several county commissioners shall meet in Concord, at the capitol of this State, on the third Wednesday of August, and shall in their associated capacity constitute a board of education, with the power of choosing a chairman and secretary; and shall recommend such books as may appear to them most suitable to be used in common schools, and such methods of instruction, modes of government and discipline to be pursued in said schools as may seem best adapted to promote their usefulness. *Ibid., sec. 2.*

3. The superintending school committee in each town shall, immediately after the close of the winter schools, and on or before the first day of April in each year, transmit to the secretary of state, to be by him delivered to the secretary of the board of education, a copy of the report presented by them to the town at its annual meeting, and also at the same time shall forward to the secretary of state for the same purpose,

according to forms by him provided, answers to all such questions relating to the appropriation of money raised in the town, the studies pursued in the schools, the books used, the methods of instruction and discipline adopted, the condition of the school-houses, and such other subjects relating to the schools as shall from time to time be proposed by the board of education, by direction of the governor and council. *Ibid.*, sec. 3.

4. No town from which such returns shall not have been received by the secretary of state on or before the first day of April, shall be entitled to receive its portion of the literary fund for that year; and such portion of the fund shall be distributed among the towns entitled to receive the same, unless, before the third Tuesday of June following, it shall be made to appear to the governor and council that the neglect to make return was occasioned by some mistake or accident; *provided*, the secretary of state shall have notified the selectmen of such town, by the first day of May, that said return has not been received by him, and unless the said return shall be thereupon made to the secretary of state by the twentieth of the same month. *Ibid.*, sec. 4.

5. The superintending school committee of any town, neglecting to make a return of the schools of said town to the secretary of state agreeably to the provisions of this chapter, shall be responsible to said town for the amount of the literary fund forfeited through his negligence. *Laws of 1851*, ch. 1102, sec. 1; *C. S. ch. 82*, sec. 5.

6. It shall be the duty of the county commissioners to spend not less than one day in each town of his county each year, for the purpose of promoting, by addresses, inquiries and other means, the cause of common school education, and to report his doings to the secretary of the board of education. It shall also be the duty of each county commissioner to take charge of any teachers' institute that may be held in his county. *Laws of 1850*, ch. 955, sec. 5; *C. S. ch. 82*, sec. 6.

7. The board of education shall annually, in the month of June, through their secretary, make to the general court a report upon the common schools of the State, comprising the substance of the returns from the several towns, and such information and suggestions as may seem useful to said board. And the secretary of the said board shall procure, at the expense of the State, the printing of six hundred copies of the

report, and lay them before the general court, to be disposed of at their discretion, and shall procure annually the printing of an additional copy of said report for the use of each school district in the State. *Laws of 1850, ch. 955, sec. 6, amended by laws of 1852, ch. 1251; C. S. ch. 82, sec. 7.*

8. The annual salaries of the commissioners of common schools in the several counties shall be as follows:

Rockingham, one hundred and seventy dollars.

Strafford, seventy-five dollars.

Belknap, sixty dollars.

Carroll, eighty dollars.

Merrimack, one hundred and thirty dollars.

Hillsborough, one hundred and fifty-five dollars.

Cheshire, one hundred and twenty dollars.

Sullivan, ninety dollars.

Grafton, one hundred and eighty-five dollars.

Coös, one hundred and thirty-five dollars. *Laws of 1850, ch. 955, sec. 7.*

9. The salaries of commissioners of common schools shall be paid semi-annually, from the State treasury. *Sec. 8.*

10. Each commissioner shall also be compensated for such reasonable sums as he may have expended for stationery, printing, postage, and the transmission of blank forms and circulars; his account for the same having been allowed by the governor and council, and the governor and council are hereby authorized to draw the same by warrant from the treasury. *Sec. 9.*

11. Whenever the several county commissioners meet as a board of education, they shall, in addition to their annual salary, receive the same mileage as the members of the house of representatives, and the same per diem allowance, not exceeding two days. *Laws 1850, ch. 955, sec. 10; C. S. ch. 82, sec. 11.*

12. The secretary of the board of education shall receive two dollars per day while employed in preparing his annual report, which sum, together with the mileage and per diem allowance of the several commissioners, shall be paid as provided in section tenth of this chapter. *Laws 1850, ch. 955, sec. 11; C. S. ch. 82, sec. 12.*

13. No commissioner shall be employed as an agent of any bookseller or publisher of books, or in the sale of any books; and if it shall appear to the governor and council that

any commissioner has been thus employed, he shall not be entitled to any compensation for his services. *Laws* 1850, ch. 955, sec. 12; *C. S. ch.* 82, sec. 13.

14. The several county commissioners shall commence their services as such on the first Monday in December. *Laws* 1850, ch. 955, sec. 13; *C. S. ch.* 82, sec. 14.

15. Any town in this State, at a legal meeting for that purpose, may raise, in addition to the amount by law required to be raised therein for the support of common schools, a sum not exceeding five per cent. of such amount, to be applied to the support of a teachers' institute within the limits of the county in which said town is situated. *Laws of 1846*, ch. 338; *C. S. ch.* 82, sec. 1.

*The two following resolutions have been passed in relation to this subject :*

16. *Resolved* by the Senate, &c., That a sum equal to three per cent. of the amount required by law to be raised for the support of common schools in each town, be appropriated by said town for the support of teachers' institutes in each county. *Laws of 1851*, ch. 1156; *C. S. ch.* 83, sec. 4.

17. *Resolved*, That the selectmen of each town in this State be authorized to pay over to the school commissioner of their county the sums by law required to be appropriated by said town for the support of teachers' institutes. *Laws of 1852*, ch. 1326; *C. S. ch.* 83, sec. 3.

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